

- SUBJECT:** Higher crime victim compensation awards for pre-September 1997 victims
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Hinojosa, Dunnam, Garcia, Keel, Smith, Talton, Wise
0 nays
2 absent — Green, Nixon
- SENATE VOTE:** On final passage, Local and Uncontested Calendar, April 19 — 29-0
- WITNESSES:** No public hearing
- BACKGROUND:** The Crime Victims Compensation Act, enacted in 1979, established a compensation fund to reimburse victims of violent crimes for certain expenses that are not recoverable from other sources, such as insurance, workers' compensation, Social Security, Medicaid, or Medicare. Other persons besides crime victims are eligible to receive payments from the fund, including dependants, immediate family members, certain household members, and persons who legally assume the obligation or voluntarily pay certain expenses for the victim. Reimbursement is allowed for such expenses as medical, counseling, funeral, child care, and participation or attendance in certain judicial proceedings related to the crime, but not for property damage. Money in the fund comes primarily from court fees paid by criminal offenders. The attorney general administers the fund.
- In 1997, voters amended the Texas Constitution to allow money in the Crime Victims Compensation Fund (CVCF) and the compensation to crime victims auxiliary fund to be used only for delivering or funding victim-related compensation, services, or assistance. In addition, the money could be used to help victims of mass violence if other money appropriated for emergency assistance is depleted.
- The Attorney General's Office estimates that in fiscal 2000, the fund will have an unexpended balance from fiscal 1999 of \$194.6 million. Revenue for fiscal 2000-01 will be approximately \$129 million, and payments from the fund for compensation claims are estimated at \$67.7 million for the biennium.

In 1997, the 75th Legislature raised from \$25,000 to \$50,000 the cap on the amount of aggregate compensation that a victim can receive. The new limits were made applicable only to applications for compensation for crimes that occurred on or after September 1, 1997.

DIGEST: SB 1734 would allow up to \$50,000 in compensation to certain victims from the Crime Victims Compensation Fund for crimes occurring before September 1, 1997. The application for compensation would have to have been filed by or on behalf of a dependent of a victim who died because of the crime and have been filed in a timely manner and approved by the attorney general before the effective date of the bill.

SB 1734 would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

SUPPORTERS SAY: Increasing the maximum award to \$50,000 in narrow circumstances would allow for the now-healthy crime victims compensation fund to meet the needs of victims who suffered large losses before the 1997 increase in the award cap. If the state is going to allow victims of more recent crimes to receive up to \$50,000, it is only fair that victims of earlier crimes who have suffered the most serious losses also qualify for that amount.

While the average award from the fund is only a few thousand dollars, some victims suffer much greater losses. SB 1734 would allow increased payments to these victims without affecting the large number of victims with smaller losses. The cap applies to the aggregate amounts per application and would not allow numerous persons making claims related to one victim each to receive the maximum amount.

SB 1734 is narrowly drawn to apply only to those cases where the need would be the greatest — those crimes in which the victim died. It is appropriate to extend additional help to those who have faced this type of catastrophic loss. In addition, the new cap would apply only to those who already have had applications approved by the attorney general.

OPPONENTS SAY: Lines must be drawn somewhere in deciding who can receive awards from the crime victims compensation fund and how much they can receive. In general, the Legislature has established these lines as it does in most legislation, by making persons fall under the law in effect at the time a crime was

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committed. SB 1734 could be an unwise departure from this policy and could open the door for calls for a higher cap on payments to all earlier victims, resulting in a potential drain on the fund.

OTHER
OPPONENTS
SAY:

SB 1734 should apply to any victim who has documented expenses that meet the law's requirements for what is reimbursable. If the higher cap is going to be applied to one type of pre-September 1997 victim, it should be applied to all pre-September 1997 victims.