

SUBJECT: Form of crime victims' payments made to certain peace officers.

COMMITTEE: Criminal Jurisprudence —favorable, without amendment

VOTE: 5 ayes — Keel, Pena, Escobar, Hodge, Raymond

0 nays

4 absent — Riddle, Denny, P. Moreno, Reyna

WITNESSES: None

BACKGROUND: Under the Crime Victims' Compensation Act, the Office of Attorney General (OAG) administers the Crime Victim's Compensation (CVC) Fund, which awards compensation to victims of crimes or families of victims who have sustained monetary losses as a result of personal injuries or deaths. Money in the fund comes primarily from court costs and fees imposed on criminal offenders.

Under Code of Criminal Procedure, art. 56.542, a peace officer injured by criminal conduct in the line of duty, resulting in permanent inability to work, may be entitled to an annual payment from the CVC fund. The officer would receive an amount equal to the difference between the officer's average annual salary in the final three years of employment as a peace officer and any compensation the officer already received for the injury.

DIGEST: HB 2823 would amend Code of Criminal Procedure, art. 56.542, to allow peace officers who were entitled to payment from the CVC fund to elect to receive payment in equal monthly installments or as a lump sum once a year.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

HB 2823 would remove some of the hardship facing peace officers who rely on the CVC funds to support themselves and their families. Receiving such payments on an annual basis may pose an unnecessary burden on these officers, so they should have the choice to receive payments on a monthly basis.

HB 2823 would simply codify current practice into law. While the OAG may allow some peace officers to choose how often they would like to receive payments, current law nonetheless leaves it to the discretion of the OAG rather than the peace officer. This bill would ensure that the peace officer gets to make this decision.

**OPPONENTS
SAY:**

This bill is unnecessary because in practice the OAG makes payments in a lump sum or in installments, depending on the preference of the officer. A peace officer may choose to receive payments monthly, quarterly, or annually. By specifying that officers may receive payments only annually or monthly, the bill actually would eliminate the option to receive payments quarterly. This would pose an unnecessary burden on officers who find quarterly payments most convenient.

NOTES:

The companion bill, SB 1429 by Madla, has been referred to the Senate Criminal Justice Committee.