

BILL ANALYSIS

Senate Research Center

C.S.S.B. 987
By: Moncrief
Finance
4-9-97
Committee Report (Substituted)

DIGEST

Currently, Texas law provides that proceeds from the Compensation to Victims of Crime Fund be used to assist victims with various expenses that may result from a crime, such as medical, counseling, and funeral expenses. The 73rd Legislature enacted law which greatly increased fund revenues. However, at the same time program awards have been relatively stable, and as a result, the fund has accumulated a cash balance of approximately \$93.5 million.

C.S.S.B. 987 would require the attorney general, after consulting with the comptroller of public accounts, to certify each year how much money will be necessary to make awards under the current Crime Victims' Compensation Act. In addition, the legislature would be given authority to appropriate amounts in the fund over that which is certified for the current awards program if the receiving program or purpose "provides substantial and direct benefits, services, or assistance to crime victims or other person affected by criminal conduct."

PURPOSE

As proposed, C.S.S.B. 987 sets forth requirements for the comptroller in regard to the amount of money that will be required to make payments of awards under the Compensation to Victims Crime Fund.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 56.54, Code of Criminal Procedure, by adding Subsections (h) and (i), to authorize the legislature, in addition to the purposes provided by Subsection (b), to appropriate money in the compensation to victims of crime fund to state agencies for a program or purpose that provides substantial and direct benefits, services, or assistance to victims, guardians of victims, or immediate family members of victims. Defines "victim." Provides that Subsection (h) and this subsection expire September 1, 1999.

SECTION 2. Amends Articles 56.54(b), Code of Criminal Procedure, to authorize the compensation to victims of crime fund to be used, except as provided by Article 56.541, only by the attorney general for the payment of compensation to claimants or victims under this subchapter and other expenses in administering this subchapter.

SECTION 3. Amends Chapter 56B, Code of Criminal Procedure, by adding Article 56.541, as follows:

Art. 56.541. APPROPRIATION OF EXCESS MONEY FOR OTHER CRIME VICTIM ASSISTANCE. Requires the attorney general, not later than December 15 of each even-numbered year, after consulting with the comptroller, to prepare forecasts and certify estimates of certain amounts of money. Requires the attorney general, at the time the attorney general certifies the estimates made under Subsection (a), to also certify for the next state fiscal biennium the amount of excess money in the fund for purposes of Subsection (c). Sets forth the formula for calculating this certification. Authorizes the legislature, for a state

fiscal biennium, to appropriate from the compensation to victims of crime fund the amount of excess money in the fund certified for the biennium under Subsection (b) for a program or purpose that provides substantial and direct benefits, services, or assistance to victims, guardians of victims, or immediate family members of victims. Defines "victim." Requires the attorney general and the comptroller to cooperate in determining the proper allocation of the various sources of revenue deposited to the credit of the compensation to victims of crime fund for purposes of this article.

SECTION 4. (a) Effective date: upon passage, except as provided by Subsection (b)..

(b) Effective date for SECTIONS 2 and 3 of this Act: September 1, 1997. Requires the attorney general to make the first estimates required by Article 56.541, Code of Criminal Procedure, as added by this Act, for the state fiscal biennium beginning September 1, 1999. Prohibits the legislature from appropriating excess money in the compensation to victims of crime fund as provided by Article 56.541, Code of Criminal Procedure, as added by this Act, for a biennium before the state fiscal biennium beginning September 1, 1999.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Redesignates proposed SECTION 1 as SECTION 2. Amends Article 56.54, Code of Criminal Procedure, to set forth new subsections.

SECTION 2.

Amends proposed Article 56.54(b), Code of Criminal Procedure, to remove Subsection (c).

SECTION 3.

Redesignates proposed SECTION 3 as SECTION 4. Amends Chapter 56B, Code of Criminal Procedure, to require the attorney general, after consulting with the comptroller, rather than the comptroller after consulting with the attorney general, to prepare forecasts and certify estimates of certain amounts. Replaces proposed subsections with new subsections and adds two additional subsections.

SECTION 4.

Redesignates proposed SECTION 4 as SECTION 5. Amends proposed SECTION 3 to require this Act, except as provided by Subsection (b) of this section, to take effect immediately, rather than September 1, 1997. Provides that SECTIONS 2 and 3 of this Act take effect September 1, 1997. Requires the attorney general to make the first estimates as required and prohibits the legislature from appropriating excess money in the compensation to victims of crime fund.