

BILL ANALYSIS

S.B. 1245
By: Armbrister
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Office of the Attorney General (OAG) houses the Crime Victims' Institute and Sam Houston State University houses the National Institute of Victim Studies (NIVS), whose function is to conduct professional education, conduct research on crime victim issues, and educate the next generation of victim services advocates. As proposed, S.B. 1245 transfers the Crime Victims' Institute (CVI) from OAG to Sam Houston State University.

RULEMAKING AUTHORITY

SECTION 5 provides that all rules, standards, and specifications of the attorney general relating to the operation of the Crime Victims' Institute remain in effect as rules, standards, and specifications of SHSU unless superseded by the president of the university

ANALYSIS

SECTION 1. Transfers Chapter 412, Government Code, to Subchapter D, Chapter 96, Education Code, redesignates it as Sections 96.65, 96.651, and 96.652, and amends it as follows:

Sec. 96.65 Redesignated from Section 412.001. New heading: CRIME VICTIMS' INSTITUTE. (a) Deletes the definitions of "advisory council" and "service provider." Makes conforming changes.

(b) Redesignated from Section 412.002 (Legislative Intent). Deletes heading. No other changes made to this Subsection.

(c) Redesignated from Section 412.011 (General Provision). Deletes heading. Provides that the headquarters of the crime victims' institute (institute) are at Sam Houston State University (SHSU) in Huntsville, Texas. Specifies that the institute is under the supervision and direction of the president of SHSU, rather than in the office of the attorney general.

(d) Redesignated from Section 412.012 (Duties of Institute). Deletes heading. No other changes made to this Subsection.

(e) Redesignated from Section 412.013 (Interagency Cooperation). Deletes heading. No other changes made to this Subsection.

(f) Redesignated from Section 412.013(b).

(g) Redesignated from Section 412.013(c).

(h) Redesignated from Section 412.014 (Personnel). Deletes heading. Authorizes the president of SHSU, rather than the attorney general, to employ personnel as necessary to perform the duties of the institute.

(i) Redesignated from Section 412.015 (Contractual Authority). Deletes heading. Deletes text of Subsection (a) authorizing the attorney general to contract with certain entities in order for the institute to perform its duties.

(j) Redesignated from Section 412.016 (Gifts, Grants, Donations, Appropriations). Deletes heading. Authorizes the institute to accept gifts, grants, donations, or matching funds from a public or private source for the performance of the duties of the institute. Requires that the money and appropriations received by the institute under this subsection, rather than section, to be deposited as provided by Section 96.652, rather than 412.081. Makes conforming changes.

Sec. 96.651 Redesignated from Section 412.051. New heading: CRIME VICTIMS' INSTITUTE ADVISORY COUNCIL. (a) Defines "advisory council" and "victim."

(b) Establishes that the Crime Victims' Institute Advisory Council (advisory council) is created as an advisory council to the Crime Victims' Institute."

(c) Provides that the advisory council is composed of the attorney general and certain individuals, each of whom is appointed by the governor, rather than the attorney general. Redesignates Subsection (b) as (c).

(d) Redesignated from Section 412.051(c). No other changes made to this Subsection.

(e) Redesignated from Section 412.052 (Meetings). Deletes heading. No other changes made to this Subsection.

(f) Redesignated from Section 412.053 (Tenure of Members). Deletes heading. Provides that members of the advisory council serve for staggered two-year terms, with the terms of eight of the members expiring on January 31 of each even numbered year and the terms of eight, rather than seven, members, expiring on January 31 of each odd-numbered year.

(g) Redesignated from Section 412.054 (Service Additional Duty of Office). Deletes heading. No other changes made to this Subsection.

(h) Redesignated from Section 412.055 (Compensation and Reimbursement). Deletes heading. No other changes made to this Subsection.

(i) Redesignated from Section 412.056 (Appointment of Other Advisory Bodies). Deletes heading. Authorizes the advisory council to establish advisory task forces or committees that the council considers necessary to accomplish the purposes of this section and Sections 96.65 and 96.652, rather than chapter.

(j) Redesignated from Section 412.057 (Duties of Advisory Council). Deletes heading. Requires the advisory council to advise the Crime Victims' Institute on issues relating directly to the duties of the institute as set forth under Section 96.65(d), rather than Section 412.012.

Sec. 96.652. Redesignated from Section 412.081. Deletes heading. New heading: CRIME VICTIMS' INSTITUTE ACCOUNT; AUDIT; REPORT. (a) No other changes made in this Subsection.

(b) Authorizes the Crime Victims' Institute, rather than the attorney general, to use funds from the Crime Victims' Institute account to carry out the purposes of this section and Sections 96.65 and 96.651, rather than chapter.

(c) Requires the comptroller to deposit the funds received under Section 96.65, rather than this chapter, to the credit of the Crime Victims' Institute account. (d) No other changes made to this Subsection.

(e) Redesignated from Section 412.082 (Annual Report). Deletes heading. Makes conforming changes.

SECTION 2. Amends Article 56.54(b), Code of Criminal Procedure, to provide that for purposes of this subsection, compensation to claimants or victims includes money allocated from the fund to the Crime Victims' Institute created by Section 96.65, Education Code, for the operation of the institute and for other expenses in administering this subchapter. Requires the institute to use money allocated from the fund only for the purposes of Sections 95.65, 95.651, and 95.652, Education Code.

SECTION 3. Amends Section 411.130, Government Code, to make a conforming change.

SECTION 4. (a) Provides that the terms of the current members of the Crime Victims' Institute Advisory Council expire on the effective date of this Act.

(b) Requires the governor, as soon as practicable after the effective date of this Act, to appoint new members to the Crime Victims' Institute Advisory Council, as provided by Section 96.651, Education Code, as added by this Act. Provides that the terms of eight members, determined by lot, expire January 31, 2005. Provides that the terms of eight members, determined by lot, expire January 31, 2006.

SECTION 5. Establishes that on the effective date of this Act all powers, duties, and obligations relating to the Crime Victims' Institute are transferred from the attorney general to SHSU; all property in the custody of the attorney general and the original or a copy of any record that relates to the Crime Victims' Institute are transferred to SHSU; all unexpended appropriations to the attorney general for the operation of the Crime Victims' Institute are transferred to SHSU; and all rules, standards, and specifications of the attorney general relating to the operation of the Crime Victims' Institute remain in effect as rules, standards, and specifications of SHSU unless superseded by the president of the university.

SECTION 6. Effective date: September 1, 2003.

EFFECTIVE DATE

This Act takes effect September 1, 2003.