

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 22, 2003

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1895 by Hope (Relating to the compensation provided to an immediate family member or a household member of a deceased victim for funeral attendance and bereavement leave or certain other crime victims' services.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1895, As Engrossed: an impact of \$0 through the biennium ending August 31, 2005.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	\$0
2005	\$0
2006	\$0
2007	\$0
2008	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>CRIME VICTIMS COMP ACCT</i> 469
2004	(\$581,334)
2005	(\$581,334)
2006	(\$581,334)
2007	(\$581,334)
2008	(\$581,334)

Fiscal Analysis

The bill would amend the Code of Criminal Procedure, to require the Office of the Attorney General's Crime Victims' Compensation Program (CVC) to reimburse a victim's immediate family members for the necessary expenses of traveling to and attending the victim's funeral. The bill would also require CVC to reimburse the deceased victim's immediate family members who suffer wage loss from bereavement leave taken in connection with the death of that victim. The bill would limit bereavement leave wage reimbursement to 10 days and \$1,000. The Attorney General would retain the right to establish limitations on compensation, including compensation related to this bill.

The Act would take effect September 1, 2003 and would only apply to victims of crimes committed on or after that date.

Methodology

CVC performed a review of all homicide, criminally negligent homicide, and manslaughter claims received in FY 2002. The program found that the 982 claims involving the death of a victim listed 2,056 claimants, who are individuals that have suffered a compensable loss as a result of the crime but are not victims. A very large percentage of these claimants shared the same last name as the victim or lived at the same address. Therefore, CVC assumes that each of the claimants would be eligible for benefits as immediate family members. Roughly 400 of the claimants lived in different cities than the victim, and roughly 200 claimants lived outside of Texas. Of the 2,056 claimants 1,536 were 18 years old or older.

Pursuant to Texas Administrative Code Rule §61.404, CVC reimburses eligible claimants' transportation expenses if travel exceeds 20 miles one-way from the claimant's residence, and meal and lodging expenses if travel exceeds 60 miles one-way from the claimant's residence. The program reimburses these expenses at the rates stated in the State of Texas Travel Allowance Guide. Based on fiscal year 2002 data, it is assumed that roughly 400 claimants per year will be made eligible for travel benefits and that 200 of these claimants will request reimbursement for interstate travel. It is also assumed that: claimants will travel for 5 days, two out of every three claimants will share a hotel room, two out of every three in-state travelers will share a vehicle, mileage reimbursement for in-state travelers will average \$200, and each out-of-state traveler will incur average expenses of \$500 for round-trip airfare. Total transportation expenses are estimated at \$126,667 per fiscal year based on the assumption of 200 in-state travelers and 200 out-of-state travelers per year. Total meal and lodging expenses are estimated at \$166,167 per year based on 400 travelers sharing hotel rooms at \$80 per day and meals at \$30 per day. Total wage loss reimbursements are estimated at \$288,000 per year based on 1,152 working claimants at \$50 per day for 5 days. The total annual fiscal impact of the bill is estimated at \$581,334 per year.

Technology

Any technology fiscal implications resulting from the passage of this bill could be reasonably absorbed with current agency resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 696 Department of Criminal Justice

LBB Staff: JK, WK, GG, KG