

BILL ANALYSIS

H.B. 1489
By: Turner
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under Section 56.541 of the Code of Criminal Procedure, prior to each legislative session the Attorney General shall certify the amount of money anticipated to be available for appropriation in the upcoming biennium by the Legislature for victim-related services and assistance. The calculation of that excess is made by using estimates of revenue for the fund as well as the estimates of the amount of the Fund that will be allocated to spend under the statute to fund the Crime Victims Compensation Program and the Crime Victims Institute.

As part of the calculation, the statute requires that the OAG multiply the amount requested to be allocated by 120% and also set aside \$10 million in the event of a catastrophe. The resulting amount is considered the "excess" funds - this year the amount certified was \$46,573,177. In the LBB's base bill, the appropriation of excess funds totaled \$103.7 million, exceeding the certification by \$57 million. One way to close the gap between the amount certified and the amount appropriated is to eliminate the 20% buffer in statute which would then increase the certified amount available to the Legislature. If this bill passes, the OAG could adjust the amount certified as available for appropriation from \$46,573,177 to \$74,931,427 - resulting in an additional amount certified to the Legislature of \$28,358,250.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1489 amends Section 56.541(b), Code of Criminal Procedure to eliminate the calculation by which the amount requested to be obligated is multiplied by 120%.

EFFECTIVE DATE

September 1, 2005.