

## **BILL ANALYSIS**

S.B. 1616  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current revenue and expenditure projections suggest that the Crime Victims' Compensation Fund (fund) will become insolvent by the end of the 2011 fiscal year. As proposed, S.B. 1616 creates a collection improvement program for the fund with the goal of increasing its sources of revenue and improving its management. The bill also makes several other technical changes to the fund.

### **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**

Senate Bill 1616 amends Article 42.037, Code of Criminal Procedure (CCP), to require each community supervision and corrections department, parole office, and parole panel to submit, not later than the 15th day following the end of each calendar quarter, to the Texas Department of Criminal Justice (TDCJ), in a form required by TDCJ, a report containing information relating to, as applicable, any restitution payment made during the preceding calendar quarter by a person placed on community supervision, paroled, or released to mandatory supervision or any restitution ordered by the parole panel in a criminal case during that period. Requires TDCJ to annually publish a report based on statistical information collected under Article 42.037(q), CCP. Authorizes TDCJ to publish the report with one or more related reports required of other state agencies by law, if practicable. The bill provides that notwithstanding any other law, the statistical information is not confidential and may be released, except that the release of the names of defendants and victims remains subject to all confidentiality requirements otherwise imposed by law.

The bill amends Article 56.54, CCP, to provide that the attorney general, from any portion of the compensation to victims of crime fund that was deposited during a fiscal year that was in excess of all compensation payments required to be made out of the fund during that fiscal year may retain an amount of emergency reserve to be used during the next fiscal year only for the purposes provided by Subsection (i-1), and if the fund is projected to become insolvent during the next fiscal year, must retain an amount of emergency reserve equal to at least 10 percent of the total amount of the compensation payments estimated to be made during the next fiscal year, to be used during the next fiscal year for that purpose only. Deletes existing text that provided that if the sums available in the compensation to victims of crime fund are sufficient in a fiscal year to make all compensation payments, the attorney general may retain any portion of the fund that was deposited during the fiscal year that was in excess of compensation payments made during that fiscal year as an emergency reserve for the next fiscal year. The bill clarifies that the amount of emergency reserve authorized by Article 56.54(i)(1), CCP, may not exceed \$10,000,000 at any time and may be used only to make compensation awards in claims and for providing emergency relief and assistance, including crisis intervention, emergency housing, travel, food, or expenses and technical assistance expenses incurred in implementing the purposes of Article 56.54(i-1), CCP, in certain instances. Requires that the attorney general, after consulting with the comptroller, to certify the amount of money remaining in the compensation to victims of crime auxiliary fund (auxiliary fund) at the end of the preceding state fiscal year, not later than September 15 of each year. The bill authorizes the attorney general, if the amount remaining in the fund exceeds \$5 million, as soon as practicable after the date of certification, to transfer from that excess amount in the compensation to victims of crime auxiliary fund to the compensation to victims of crime fund an amount that is not more than 25

percent of the balance of the compensation to victims of auxiliary fund, to be used only for the purpose of making compensation payments during the fiscal year in which the amount is transferred. The bill provides that except as otherwise required by Article 56.54(i)(2), CCP, a certain amount of money deposited to the credit of the fund, must be carried forward into the next succeeding fiscal year and applied toward the amount listed in the next succeeding fiscal year's method of financing. Makes conforming changes.

Amends Articles 56.541, CCP, by requiring the attorney general, after consulting with the comptroller, to prepare, not later than December 15 of each even-numbered year, forecasts and certify estimates of the amount of money from the fund that the attorney general anticipates will be obligated during the next state fiscal biennium to comply with Chapter 56, CCP, (Rights of Crime Victims), including any amounts anticipated to be retained under Article 56.54(i), CCP, as an emergency reserve for each state fiscal year of the biennium, in addition to other estimates. Prohibits the legislature from appropriating any amount of excess money actually retained under Article 56.54(i), CCP, for use as an emergency reserve during each of the two state fiscal years of the biennium.

The bill adds Section 71.0353, Government Code, which requires each court, not later than the 15<sup>th</sup> day following the end of each calendar quarter, to submit to the Office of Court Administration (OCA) of the Texas Judicial System, in a form required by OCA, a report that contains information relating to any restitution ordered by the court in a criminal case during that period. The bill requires the OCA to annually publish a report based on statistical information collected under Section 71.0353, Government Code. Authorizes the OCA to publish the report with one or more related reports required of other state agencies by law, if practicable. The bill provides that the statistical information is not confidential and may be released, notwithstanding any other law, except that the release of the names of defendants and victims remains subject to all confidentiality requirements otherwise imposed by law.

The bill adds Section 61.0411, Human Resources Code, which requires each local juvenile parole office to submit to the Texas Youth Commission (TYC), not later than the 15<sup>th</sup> day following the end of each calendar quarter, in a form required by TYC, a report containing information relating to any restitution payment made during the preceding calendar quarter by a juvenile who is paroled by TYC. Requires TYC to publish annually a report based on statistical information collected under Section 61.0411, Human Resources Code. Authorizes TYC to publish the report with one or more related reports required of other state agencies by law, if practicable. Notwithstanding any other law, the statistical information is not confidential and may be released, except that the release of the names of juveniles and victims remains subject to all confidentiality requirements otherwise imposed by law.

The bill adds Section 141.0422, Human Resources Code, which requires each local juvenile probation office to submit to the Texas Juvenile Probation Commission (commission), not later than the 15<sup>th</sup> day following the end of each calendar quarter, in a form required by the commission, a report containing information relating to any restitution payment made during the preceding calendar quarter by a juvenile who is placed on juvenile probation by the commission. Requires the commission to publish annually a report based on statistical information collected under Section 141.0422, Human Resources Code. Authorizes the commission to publish the report with one or more related reports required of other state agencies by law, if practicable. Notwithstanding any other law, the statistical information is not confidential and may be released, except that the release of the names of juveniles and victims remains subject to all confidentiality requirements otherwise imposed by law.

Provides that the change in law made by this Act in adding Article 42.037(q), Code of Criminal Procedure, Section 71.0353, Government Code, and Sections 61.0411 and 141.0422, Human Resources Code, applies only to a restitution payment made or restitution ordered on or after the Act's effective date.

#### **EFFECTIVE DATE**

September 1, 2007.

