

By: Averitt

S.B. No. 1616

A BILL TO BE ENTITLED

AN ACT

1
2 relating to restitution and other assistance provided to victims of
3 crime and to related claimants.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 42.037, Code of Criminal Procedure, is
6 amended by adding Subsection (q) to read as follows:

7 (q) Not later than the 15th day following the end of each
8 calendar quarter, each community supervision and corrections
9 department, parole office, and parole panel shall submit to the
10 Texas Department of Criminal Justice in a form required by the
11 department a report that contains information relating to, as
12 applicable, any restitution payment made during the preceding
13 calendar quarter by a person placed on community supervision,
14 paroled, or released to mandatory supervision or any restitution
15 ordered by the parole panel in a criminal case during that period.
16 The Texas Department of Criminal Justice annually shall publish a
17 report based on statistical information collected under this
18 subsection. If practicable, the department may publish the report
19 with one or more related reports required of other state agencies by
20 law. Notwithstanding any other law, the statistical information is
21 not confidential and may be released, except that the release of the
22 names of defendants and victims remains subject to all
23 confidentiality requirements otherwise imposed by law.

24 SECTION 2. Article 56.54, Code of Criminal Procedure, is

1 amended by amending Subsections (b), (c), (h), and (i) and adding
2 Subsections (i-1) and (l) to read as follows:

3 (b) Except as provided by Subsections (h), (i-1) [~~(i)~~], (j),
4 and (k) and Article 56.541, the compensation to victims of crime
5 fund may be used only by the attorney general for the payment of
6 compensation to claimants or victims under this subchapter. For
7 purposes of this subsection, compensation to claimants or victims
8 includes money allocated from the fund to the Crime Victims'
9 Institute created by Section 96.65, Education Code, for the
10 operation of the institute and for other expenses in administering
11 this subchapter. The institute shall use money allocated from the
12 fund only for the purposes of Sections 96.65, 96.651, and 96.652,
13 Education Code.

14 (c) Except as provided by Subsections (h) and (i-1) [~~(i)~~],
15 the compensation to victims of crime auxiliary fund may be used by
16 the attorney general only for the payment of compensation to
17 claimants or victims under this subchapter.

18 (h) An amount of money deposited to the credit of the
19 compensation to victims of crime fund, not to exceed one-quarter of
20 the amount disbursed from that fund in the form of compensation
21 payments during a fiscal year except as otherwise required by
22 Subsection (i)(2), shall be carried forward into the next
23 succeeding fiscal year and applied toward the amount listed in the
24 next succeeding fiscal year's method of financing.

25 (i) The [~~If the sums available in the compensation to~~
26 ~~victims of crime fund are sufficient in a fiscal year to make all~~
27 ~~compensation payments, the] attorney general, from [~~may retain~~] any~~

1 portion of the compensation to victims of crime fund that was
2 deposited during a ~~the~~ fiscal year that was in excess of all
3 compensation payments required to be made out of the fund during
4 that fiscal year:

5 (1) may retain an amount of emergency reserve to be
6 used during the next fiscal year only for the purposes provided by
7 Subsection (i-1); and

8 (2) if the fund is projected to become insolvent
9 during the next fiscal year, shall retain an amount of emergency
10 reserve equal to at least 10 percent of the total amount of the
11 compensation payments estimated to be made during the next fiscal
12 year, to be used during the next fiscal year for that purpose only
13 ~~[as an emergency reserve for the next fiscal year].~~

14 (i-1) The amount of ~~Such~~ emergency reserve authorized by
15 Subsection (i)(1) may not exceed \$10,000,000 at any time and~~—The~~
16 ~~emergency reserve fund~~ may be used only to make compensation
17 awards in claims and for providing emergency relief and assistance,
18 including crisis intervention, emergency housing, travel, food, or
19 expenses and technical assistance expenses incurred in
20 implementing the purposes ~~[the implementation]~~ of this subsection
21 in incidents resulting from an act of mass violence or from an act
22 of international terrorism as defined by 18 U.S.C. Section 2331,
23 occurring in the state or for Texas residents injured or killed in
24 an act of terrorism outside of the United States.

25 (1) Not later than September 15 of each year, the attorney
26 general, after consulting with the comptroller, shall certify the
27 amount of money remaining in the compensation to victims of crime

1 auxiliary fund at the end of the preceding state fiscal year. If
2 the amount remaining in the fund exceeds \$5 million, as soon as
3 practicable after the date of certification, the attorney general
4 may transfer from that excess amount in the compensation to victims
5 of crime auxiliary fund to the compensation to victims of crime fund
6 an amount that is not more than 25 percent of the balance of the
7 compensation to victims of crime auxiliary fund, to be used only for
8 the purpose of making compensation payments during the fiscal year
9 in which the amount is transferred.

10 SECTION 3. Subsections (a), (b), and (c), Article 56.541,
11 Code of Criminal Procedure, are amended to read as follows:

12 (a) Not later than December 15 of each even-numbered year,
13 the attorney general, after consulting with the comptroller, shall
14 prepare forecasts and certify estimates of:

15 (1) the amount of money that the attorney general
16 anticipates will be received from deposits made to the credit of the
17 compensation to victims of crime fund during the next state fiscal
18 biennium, other than deposits of:

19 (A) gifts, grants, and donations; and

20 (B) money received from the United States;

21 (2) the amount of money from the fund that the attorney
22 general anticipates will be obligated during the next state fiscal
23 biennium to comply with this chapter, including any amounts
24 anticipated to be retained under Article 56.54(i) as an emergency
25 reserve for each state fiscal year of the biennium; and

26 (3) the amount of money in the fund that the attorney
27 general anticipates will remain unexpended at the end of the

1 current state fiscal year and will be [~~that is~~] available for
2 appropriation in the next state fiscal biennium.

3 (b) At the time the attorney general certifies the estimates
4 made under Subsection (a), the attorney general shall also certify
5 for the next state fiscal biennium the amount of excess money in the
6 compensation to victims of crime fund available for the purposes of
7 Subsection (c), calculated by subtracting the amount estimated
8 under Subsection (a)(2) from the sum of the amounts estimated under
9 Subsections (a)(1) and (a)(3).

10 (c) For a state fiscal biennium, the legislature may
11 appropriate from the compensation to victims of crime fund the
12 amount of excess money in the fund certified for the biennium under
13 Subsection (b) to state agencies that deliver or fund
14 victim-related services or assistance, except that the legislature
15 may not appropriate any amount of excess money actually retained
16 under Article 56.54(i) for use as an emergency reserve during each
17 of the two state fiscal years of the biennium.

18 SECTION 4. Subchapter C, Chapter 71, Government Code, is
19 amended by adding Section 71.0353 to read as follows:

20 Sec. 71.0353. RESTITUTION INFORMATION. (a) Not later than
21 the 15th day following the end of each calendar quarter, each court
22 shall submit to the Office of Court Administration of the Texas
23 Judicial System in a form required by the office a report that
24 contains information relating to any restitution ordered by the
25 court in a criminal case during that period.

26 (b) The Office of Court Administration annually shall
27 publish a report based on statistical information collected under

1 this section. If practicable, the office may publish the report
2 with one or more related reports required of other state agencies by
3 law. Notwithstanding any other law, the statistical information is
4 not confidential and may be released, except that the release of the
5 names of defendants and victims remains subject to all
6 confidentiality requirements otherwise imposed by law.

7 SECTION 5. Subchapter C, Chapter 61, Human Resources Code,
8 is amended by adding Section 61.0411 to read as follows:

9 Sec. 61.0411. RESTITUTION INFORMATION. (a) Not later than
10 the 15th day following the end of each calendar quarter, each local
11 juvenile parole office shall submit to the commission in a form
12 required by the commission a report that contains information
13 relating to any restitution payment made during the preceding
14 calendar quarter by a juvenile who is paroled by the commission.

15 (b) The commission annually shall publish a report based on
16 statistical information collected under this section. If
17 practicable, the commission may publish the report with one or more
18 related reports required of other state agencies by law.
19 Notwithstanding any other law, the statistical information is not
20 confidential and may be released, except that the release of the
21 names of juveniles and victims remains subject to all
22 confidentiality requirements otherwise imposed by law.

23 SECTION 6. Subchapter C, Chapter 141, Human Resources Code,
24 is amended by adding Section 141.0422 to read as follows:

25 Sec. 141.0422. RESTITUTION INFORMATION. (a) Not later
26 than the 15th day following the end of each calendar quarter, each
27 local juvenile probation office shall submit to the commission in a

1 form required by the commission a report that contains information
2 relating to any restitution payment made during the preceding
3 calendar quarter by a juvenile who is placed on juvenile probation
4 by the commission.

5 (b) The commission annually shall publish a report based on
6 statistical information collected under this section. If
7 practicable, the commission may publish the report with one or more
8 related reports required of other state agencies by law.
9 Notwithstanding any other law, the statistical information is not
10 confidential and may be released, except that the release of the
11 names of juveniles and victims remains subject to all
12 confidentiality requirements otherwise imposed by law.

13 SECTION 7. The change in law made by this Act in adding
14 Subsection (q), Article 42.037, Code of Criminal Procedure, Section
15 71.0353, Government Code, and Sections 61.0411 and 141.0422, Human
16 Resources Code, applies only to a restitution payment made or
17 restitution ordered on or after the effective date of this Act.

18 SECTION 8. This Act takes effect September 1, 2007.