

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.