

1-1 By: Averitt S.B. No. 1616
1-2 (In the Senate - Filed March 8, 2007; March 21, 2007, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 26, 2007, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 26, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to restitution and other assistance provided to victims of
1-9 crime and to related claimants.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 42.037, Code of Criminal Procedure, is
1-12 amended by adding Subsection (q) to read as follows:

1-13 (q) Not later than the 15th day following the end of each
1-14 calendar quarter, each community supervision and corrections
1-15 department, parole office, and parole panel shall submit to the
1-16 Texas Department of Criminal Justice in a form required by the
1-17 department a report that contains information relating to, as
1-18 applicable, any restitution payment made during the preceding
1-19 calendar quarter by a person placed on community supervision,
1-20 paroled, or released to mandatory supervision or any restitution
1-21 ordered by the parole panel in a criminal case during that period.
1-22 The Texas Department of Criminal Justice annually shall publish a
1-23 report based on statistical information collected under this
1-24 subsection. If practicable, the department may publish the report
1-25 with one or more related reports required of other state agencies by
1-26 law. Notwithstanding any other law, the statistical information is
1-27 not confidential and may be released, except that the release of the
1-28 names of defendants and victims remains subject to all
1-29 confidentiality requirements otherwise imposed by law.

1-30 SECTION 2. Article 56.54, Code of Criminal Procedure, is
1-31 amended by amending Subsections (b), (c), (h), and (i) and adding
1-32 Subsections (i-1) and (l) to read as follows:

1-33 (b) Except as provided by Subsections (h), (i-1) [(i)], (j),
1-34 and (k) and Article 56.541, the compensation to victims of crime
1-35 fund may be used only by the attorney general for the payment of
1-36 compensation to claimants or victims under this subchapter. For
1-37 purposes of this subsection, compensation to claimants or victims
1-38 includes money allocated from the fund to the Crime Victims'
1-39 Institute created by Section 96.65, Education Code, for the
1-40 operation of the institute and for other expenses in administering
1-41 this subchapter. The institute shall use money allocated from the
1-42 fund only for the purposes of Sections 96.65, 96.651, and 96.652,
1-43 Education Code.

1-44 (c) Except as provided by Subsections (h) and (i-1) [(i)],
1-45 the compensation to victims of crime auxiliary fund may be used by
1-46 the attorney general only for the payment of compensation to
1-47 claimants or victims under this subchapter.

1-48 (h) An amount of money deposited to the credit of the
1-49 compensation to victims of crime fund, not to exceed one-quarter of
1-50 the amount disbursed from that fund in the form of compensation
1-51 payments during a fiscal year except as otherwise required by
1-52 Subsection (i)(2), shall be carried forward into the next
1-53 succeeding fiscal year and applied toward the amount listed in the
1-54 next succeeding fiscal year's method of financing.

1-55 (i) ~~The [If the sums available in the compensation to~~
1-56 ~~victims of crime fund are sufficient in a fiscal year to make all~~
1-57 ~~compensation payments, the] attorney general, from [may retain]~~
1-58 portion of the compensation to victims of crime fund that was
1-59 deposited during a [the] fiscal year that was in excess of all
1-60 compensation payments required to be made out of the fund during
1-61 that fiscal year:

1-62 (1) may retain an amount of emergency reserve to be
1-63 used during the next fiscal year only for the purposes provided by
1-64 Subsection (i-1); and

2-1 (2) if the fund is projected to become insolvent
 2-2 during the next fiscal year, shall retain an amount of emergency
 2-3 reserve equal to at least 10 percent of the total amount of the
 2-4 compensation payments estimated to be made during the next fiscal
 2-5 year, to be used during the next fiscal year for that purpose only
 2-6 [as an emergency reserve for the next fiscal year].

2-7 (i-1) The amount of [Such] emergency reserve authorized by
 2-8 Subsection (i)(1) may not exceed \$10,000,000 at any time and~~[- The~~
 2-9 ~~emergency reserve fund]~~ may be used only to make compensation
 2-10 awards in claims and for providing emergency relief and assistance,
 2-11 including crisis intervention, emergency housing, travel, food, or
 2-12 expenses and technical assistance expenses incurred in
 2-13 implementing the purposes [the implementation] of this subsection
 2-14 in incidents resulting from an act of mass violence or from an act
 2-15 of international terrorism as defined by 18 U.S.C. Section 2331,
 2-16 occurring in the state or for Texas residents injured or killed in
 2-17 an act of terrorism outside of the United States.

2-18 (1) Not later than September 15 of each year, the attorney
 2-19 general, after consulting with the comptroller, shall certify the
 2-20 amount of money remaining in the compensation to victims of crime
 2-21 auxiliary fund at the end of the preceding state fiscal year. If
 2-22 the amount remaining in the fund exceeds \$5 million, as soon as
 2-23 practicable after the date of certification, the attorney general
 2-24 may transfer from that excess amount in the compensation to victims
 2-25 of crime auxiliary fund to the compensation to victims of crime fund
 2-26 an amount that is not more than 25 percent of the balance of the
 2-27 compensation to victims of crime auxiliary fund, to be used only for
 2-28 the purpose of making compensation payments during the fiscal year
 2-29 in which the amount is transferred.

2-30 SECTION 3. Subsections (a), (b), and (c), Article 56.541,
 2-31 Code of Criminal Procedure, are amended to read as follows:

2-32 (a) Not later than December 15 of each even-numbered year,
 2-33 the attorney general, after consulting with the comptroller, shall
 2-34 prepare forecasts and certify estimates of:

2-35 (1) the amount of money that the attorney general
 2-36 anticipates will be received from deposits made to the credit of the
 2-37 compensation to victims of crime fund during the next state fiscal
 2-38 biennium, other than deposits of:

- 2-39 (A) gifts, grants, and donations; and
- 2-40 (B) money received from the United States;

2-41 (2) the amount of money from the fund that the attorney
 2-42 general anticipates will be obligated during the next state fiscal
 2-43 biennium to comply with this chapter, including any amounts
 2-44 anticipated to be retained under Article 56.54(i) as an emergency
 2-45 reserve for each state fiscal year of the biennium; and

2-46 (3) the amount of money in the fund that the attorney
 2-47 general anticipates will remain unexpended at the end of the
 2-48 current state fiscal year and will be [that is] available for
 2-49 appropriation in the next state fiscal biennium.

2-50 (b) At the time the attorney general certifies the estimates
 2-51 made under Subsection (a), the attorney general shall also certify
 2-52 for the next state fiscal biennium the amount of excess money in the
 2-53 compensation to victims of crime fund available for the purposes of
 2-54 Subsection (c), calculated by subtracting the amount estimated
 2-55 under Subsection (a)(2) from the sum of the amounts estimated under
 2-56 Subsections (a)(1) and (a)(3).

2-57 (c) For a state fiscal biennium, the legislature may
 2-58 appropriate from the compensation to victims of crime fund the
 2-59 amount of excess money in the fund certified for the biennium under
 2-60 Subsection (b) to state agencies that deliver or fund
 2-61 victim-related services or assistance, except that the legislature
 2-62 may not appropriate any amount of excess money actually retained
 2-63 under Article 56.54(i) for use as an emergency reserve during each
 2-64 of the two state fiscal years of the biennium.

2-65 SECTION 4. Subchapter C, Chapter 71, Government Code, is
 2-66 amended by adding Section 71.0353 to read as follows:

2-67 Sec. 71.0353. RESTITUTION INFORMATION. (a) Not later than
 2-68 the 15th day following the end of each calendar quarter, each court
 2-69 shall submit to the Office of Court Administration of the Texas

3-1 Judicial System in a form required by the office a report that
3-2 contains information relating to any restitution ordered by the
3-3 court in a criminal case during that period.

3-4 (b) The Office of Court Administration annually shall
3-5 publish a report based on statistical information collected under
3-6 this section. If practicable, the office may publish the report
3-7 with one or more related reports required of other state agencies by
3-8 law. Notwithstanding any other law, the statistical information is
3-9 not confidential and may be released, except that the release of the
3-10 names of defendants and victims remains subject to all
3-11 confidentiality requirements otherwise imposed by law.

3-12 SECTION 5. Subchapter C, Chapter 61, Human Resources Code,
3-13 is amended by adding Section 61.0411 to read as follows:

3-14 Sec. 61.0411. RESTITUTION INFORMATION. (a) Not later than
3-15 the 15th day following the end of each calendar quarter, each local
3-16 juvenile parole office shall submit to the commission in a form
3-17 required by the commission a report that contains information
3-18 relating to any restitution payment made during the preceding
3-19 calendar quarter by a juvenile who is paroled by the commission.

3-20 (b) The commission annually shall publish a report based on
3-21 statistical information collected under this section. If
3-22 practicable, the commission may publish the report with one or more
3-23 related reports required of other state agencies by law.
3-24 Notwithstanding any other law, the statistical information is not
3-25 confidential and may be released, except that the release of the
3-26 names of juveniles and victims remains subject to all
3-27 confidentiality requirements otherwise imposed by law.

3-28 SECTION 6. Subchapter C, Chapter 141, Human Resources Code,
3-29 is amended by adding Section 141.0422 to read as follows:

3-30 Sec. 141.0422. RESTITUTION INFORMATION. (a) Not later
3-31 than the 15th day following the end of each calendar quarter, each
3-32 local juvenile probation office shall submit to the commission in a
3-33 form required by the commission a report that contains information
3-34 relating to any restitution payment made during the preceding
3-35 calendar quarter by a juvenile who is placed on juvenile probation
3-36 by the commission.

3-37 (b) The commission annually shall publish a report based on
3-38 statistical information collected under this section. If
3-39 practicable, the commission may publish the report with one or more
3-40 related reports required of other state agencies by law.
3-41 Notwithstanding any other law, the statistical information is not
3-42 confidential and may be released, except that the release of the
3-43 names of juveniles and victims remains subject to all
3-44 confidentiality requirements otherwise imposed by law.

3-45 SECTION 7. The change in law made by this Act in adding
3-46 Subsection (q), Article 42.037, Code of Criminal Procedure, Section
3-47 71.0353, Government Code, and Sections 61.0411 and 141.0422, Human
3-48 Resources Code, applies only to a restitution payment made or
3-49 restitution ordered on or after the effective date of this Act.

3-50 SECTION 8. This Act takes effect September 1, 2007.

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