

BILL ANALYSIS

H.B. 3207
By: Edwards
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The compensation to victims of crime auxiliary fund (CVCAF) is constitutionally dedicated and funded through restitution, which is the court-ordered payment made by offenders to a victim to reimburse the victim for costs incurred as a result of the crime. Local community supervision and correctional departments are required to retain money paid by an offender for a period of five years and make a good-faith effort to locate the victim if the money goes unclaimed. After the five-year period expires, those entities may retain five percent as a fee and remit the remainder to the comptroller of public accounts, where it is deposited into the CVCAF. During recent fiscal years, an average of less than \$22,000 has been claimed per year.

Currently, with the CVCAF fund balance at approximately \$17 million, coupled with the fund growing at an average of \$1.8 million per year from fiscal years 2003 to 2008 and minimal claims to the fund per year, the fund balance could be better utilized by permitting an ongoing transfer of 50 percent of the CVCAF balance over \$5 million to the primary compensation to victims of crime fund to ensure its long-term solvency.

H.B. 3207 requires the attorney general, not later than September 15 of each year, after consulting with the comptroller of public accounts, to certify the amount of money remaining in the CVCAF at the end of the preceding state fiscal year, and it authorizes the attorney general, if the amount remaining in the CVCAF exceeds \$5 million, to transfer from that excess amount in the CVCAF to the compensation to victims of crime fund an amount that is not more than 50 percent of the excess amount in the CVCAF.

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

H.B. 3207 amends the Code of Criminal Procedure to require the attorney general, not later than September 15 of each year, after consulting with the comptroller of public accounts, to certify the amount of money remaining in the compensation to victims of crime auxiliary fund (CVCAF) at the end of the preceding state fiscal year. The bill authorizes the attorney general, if the amount remaining in the CVCAF exceeds \$5 million, as soon as practicable after the date of certification, to transfer from that excess amount in the CVCAF to the compensation of victims crime fund an amount that is not more than 50 percent of the excess amount in the CVCAF, to be used only for the purpose of making compensation payments during the fiscal year in which the amount is transferred.

H.B. 3207 requires the attorney general, at the time the attorney general certifies the estimates of the amount of excess money anticipated to be made to the credit of, used, or unexpended by the crime fund during the next state fiscal biennium, to also certify for the next state fiscal biennium the amount of excess money in the crime fund available for victim-related services or assistance,

calculated by multiplying the amount of money from the crime fund that the attorney general anticipates will be obligated during the next state fiscal biennium by 105 percent, and subtracting that product from the sum of the amount estimated by the attorney general to be deposited in the crime fund and the amount of money in the crime fund that the attorney general anticipates will remain unexpended at the end of the current state fiscal year, rather than calculated by subtracting the amount anticipated to be obligated from that sum.

H.B. 3207 prohibits the attorney general from transferring money before the 2011 state fiscal year.

EFFECTIVE DATE

September 1, 2009.