

## **BILL ANALYSIS**

S.B. 1377  
By: Harris  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Compensation to Victims of Crime Fund provides funding for the victims' compensation program administered by the Office of the Attorney General (OAG) and for a variety of victims' services programs administered by multiple Texas state agencies. This fund is a constitutionally dedicated account, and according to statute, it must be used for compensation to crime victims before any of the fund may be appropriated for other victims' services programs. Only excess funds beyond amounts needed for compensation payments may be appropriated for other victims' services programs. For the fund to be deemed solvent, it must have enough money to pay approved victim compensation claims each year. At current revenue and expenditure projections, the fund will remain solvent. However, in recent years the fund has been in danger of insolvency.

A combination of factors led to the increased use of revenues in the Compensation to Victims of Crime Fund, including greater demand for compensation payments, increased appropriations to the Victims Assistance grant program at OAG, and increased appropriations to other state agencies for victim services. By increasing the revenues to and reducing specific expenditures from the Compensation to Victims of Crime Fund, an additional \$13.3 million would be available for victim compensation payments in the 2010-2011 biennium and the long-term solvency of the fund would be improved.

As proposed, S.B. 1377 amends Chapter 56, Code of Criminal Procedure, to authorize a periodic transfer of 50 percent of the balance exceeding \$5 million in the Compensation to Victims of Crime Auxiliary Fund to the Compensation to Victims of Crime Fund. The bill also creates a reserve in the Compensation to Victims of Crime Fund equal to five percent of the funds obligated.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Article 56.54, Code of Criminal Procedure, by adding Subsection (m), as follows:

(m) Requires the attorney general, not later than September 15 of each year, after consulting with the comptroller, to certify the amount of money remaining in the compensation to victims of crime auxiliary fund at the end of the preceding state fiscal year. 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 50 percent of the excess amount in the auxiliary fund, to be used only for the purpose of making compensation payments during the fiscal year in which the amount is transferred.

SECTION 2. Amends Article 56.541(b), Code of Criminal Procedure, as follows:

(b) Requires the attorney general, at the time the attorney general certifies the estimates made under Subsection (a) (relating to the date by which the attorney general is required to prepare estimates and forecasts relating to certain appropriations), to also certify for the next state fiscal biennium the amount of excess money in the compensation to victims of crime fund available for the purposes of Subsection (c) (relating to appropriation from the compensation to victims of crime fund certain money to the fund certified for the biennium), calculated by multiplying, rather than subtracting, the amount estimated under Subsection (a)(2) (relating to the amount of money from the fund that the attorney general anticipates will be obligated during the next state fiscal biennium to comply with this chapter) by 105 percent, and subtracting that product from the sum of the amounts estimated under Subsections (a)(1) (relating to the amount of money that the attorney general anticipates will be received from deposits made to the credit of the compensation to victims of crime fund during the next state fiscal biennium other than certain deposits) and (a)(3) (relating to the amount of money in the fund that the attorney general anticipates will remain unexpended at the end of the current state fiscal year and that is available for appropriation in the next state fiscal biennium).

SECTION 3. Prohibits the attorney general from transferring money under Article 56.54(m), Code of Criminal Procedure, as added by this Act, before the 2011 state fiscal year.

SECTION 4. Effective date: September 1, 2009.

**EFFECTIVE DATE**

September 1, 2009.