

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 8, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1866 by Geren (Relating to compensation and restitution to crime victims and the disposition of unclaimed restitution payments; providing for an administrative penalty; authorizing a fee.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1866, As Engrossed: an impact of \$0 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$0
2019	\$0
2020	\$0
2021	\$0
2022	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue (Loss) from <i>Crime Victims Comp Acct</i> 469	Probable Revenue Gain from <i>Crime Victims Aux Acct</i> 494
2018	(\$1,681,180)	\$1,681,180
2019	(\$1,681,180)	\$1,681,180
2020	\$0	\$0
2021	\$0	\$0
2022	\$0	\$0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure, Government Code, and Property Code relating to compensation and restitution to crime victims and the disposition of unclaimed restitution payments.

The bill would amend Chapter 56, Code of Criminal Procedure, to prohibit the Office of the Attorney General (OAG) from transferring not more than 50 percent of ending fiscal year balance of the General Revenue-Dedicated Compensation to Victims of Crime Auxiliary Fund 494 in excess of \$5,000,000 to the General Revenue-Dedicated Compensation to Victims of Crime Fund 469, under the authority currently provided in Section 56.54(m), during the fiscal years beginning September 1, 2017 and September 1, 2018.

The bill would amend Chapter 76 of the Government Code, regarding Community Supervision and Corrections Departments, and Chapter 508 of the Government Code, regarding Parole and Mandatory Supervision, to establish that any restitution payments that are unclaimed for five years are presumed abandoned and would be reported and delivered to the Comptroller of Public Accounts (CPA) under the unclaimed restitution procedures in Chapter 77 of the Property Code, as added by the bill.

The bill would add new Chapter 77 to the Property Code, regarding the report, delivery, and claims process for unclaimed restitution payments, and would apply to payments that are presumed abandoned under Sections 76.013 or 508.322 of the Government Code, as amended by the bill. The bill would require each holder of presumed abandoned restitution payments to file a property report with the CPA with certain information of the victim if known. The CPA would provide notice to victims that they are holding unclaimed restitution payments that are subject to this chapter, and may publish information on the internet except for information that identifies a person as a victim or the victim's address. The bill would authorize the CPA to approve a claim for child support arrearages owed by the victim and reflected in a child support lien; the bill would authorize the lienholder to submit a claim.

The bill would require presumed abandoned restitution payments that remain unclaimed to be transferred to the CPA to be deposited to Fund 494. The bill would require the CPA to review claims for unclaimed restitution payments and would allow any claimant to seek review in Travis County district court. The bill would authorize the Legislature to appropriate money in Fund 494 to cover the CPA's costs incurred in administering Chapter 77. The holder of an unclaimed restitution payment who does not comply with the provisions of Chapter 77 would be subject to a penalty.

Methodology

The bill would add new subsection (m-1) to Section 56.54, Code of Criminal Procedure, to prohibit the OAG from transferring during the fiscal years beginning September 1, 2017 and September 1, 2018 half of ending previous fiscal year balances in excess of \$5,000,000 in the General Revenue-Dedicated Compensation to Victims of Crime Auxiliary Fund 494 to the General Revenue-Dedicated Compensation to Victims of Crime Fund 469. The transfers are otherwise currently authorized under subsection (m). From fiscal year 2014 to fiscal year 2016, the Annual Cash Reports for those affected years indicate transfers ranging from \$1,406,105 to \$1,597,785. Additionally, the OAG indicates a transfer of \$1,984,129 was made in fiscal year 2017. The average of the transfer for those four years is \$1,681,180. Therefore, this analysis assumes an annual revenue loss of \$1,681,180 for fiscal years 2018 and 2019 to Fund 469 and a corresponding gain to Fund 494.

The CPA currently pays restitution claims under Section 76.013 of the Government Code. It is assumed the bill's provisions would not affect the monetary value of unclaimed restitution payments received by the state. The CPA assumes any costs to implement the provisions of the bill can be absorbed within existing resources.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either within or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Local Government Impact

According to the Texas Association of Counties, the fiscal impact cannot be determined at this time.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

LBB Staff: UP, KJo, ZB, WP, LCO, NV, KVe, RC, JGA