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FISCAL IMPACT REPORT

SPONSOR: HJC DATE TYPED: 03/06/01 HB 752/HJCS
 SHORT TITLE: Amend Crime Victims Reparation Act SB 769
 ANALYST: Trujillo

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		See Narrative		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to appropriation in the General Appropriation Act and SB769

SOURCES OF INFORMATION

LFC Files
 Attorney General (AG)
 Crime Victims Reparation Commission (CVRC)

SUMMARY

Synopsis of Bill

HB752/HJCS amends the Crime Victims Reparation Act by adding the definition of “permanent total disability” and raising the compensation ceiling payment amount from a maximum of \$20,000 to a maximum of \$50,000 to any victim that suffers permanent total disability as a result of the criminal conduct of another. This bill would also allow longer than 30 days to report a crime to police, which is statutorily mandated in order to qualify for payment of reparation, in the case of victims of domestic violence or sexual assault. This 30 day time requirement of reporting to police would also not apply in a crime against a child, where the crime was reported within 30 days to the Children, Youth and Families Department, a domestic violence or sexual assault service provider, a teacher or a health care provider.

Significant Issues

The bill would give CVRC guidance when it must decide if a victim of an enumerated crime has suffered permanent total physical disability. This bill would allow these victims to receive a maximum reparation payment of \$50,000, an increase of \$30,000 over the current \$20,000 maximum payment cap. This would assist in compensating for lost wages, cost of home health care, cost of making a home or automobile accessible, and the cost of training in the use of special applications. These costs are appropriate for a victim that has suffered a permanent total disability.

This bill would also provide children and victims of domestic violence or sexual assault a longer period of time in which to file reports with law enforcement. The time period would be extended from 30 days to 180 days. This provision is appropriate given many victims of sexual assault or domestic violence do not or are unable to file a police report immediately. Also, in the case of children, many times the first reporting of the crime is to another agency, which deals more directly with children, than with a law enforcement agency. In any event, these victims must still cooperate with law enforcement, they are just allowed a longer time to complete the initial report.

PERFORMANCE IMPLICATIONS

CVRC reports the agency will be able to provide compensation to more victims that were falling through the cracks before.

FISCAL IMPLICATIONS

There is no appropriation attached to the bill.

CVRC reports the waiver for domestic violence and sexual assault victims will result in a minor increase in victim pay outs. The increase in payments to permanently disabled victims will result in approximately four victims a year. These payments will be spread out over several years. The agency will absorb this increase next year and will probably require additional funding in future years.

Also, the more compensation payments that are made, the more federal VOCA dollars available to the state for victim compensation. The state receives 40% of the state non-federal payout to victims as a federal VOCA grant each year.

RELATIONSHIP

Relates to SB769.

OTHER SUBSTANTIVE ISSUES

According to the AG, if the proposed legislation is not passed, the Crime Victims Reparations Act will remain unchanged and victims of enumerated crimes that suffer permanent total disability will only be able to receive a reparation award of \$20,000. A victim in these circumstances would have fewer options and services available if they cannot receive greater monetary awards. Additionally, children and victims of sexual assault and domestic violence may not be eligible for reparation if they have not reported the crime to law enforcement within 30 days.

LAT/njw