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FISCAL IMPACT REPORT

ORIGINAL DATE 01/29/09

SPONSOR Chasey LAST UPDATED _____ HB 284

SHORT TITLE Reparations for Children of Murder Victims SB _____

ANALYST Weber

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$500.0	recurring	General
	\$1,500.0	recurring	General

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Crime Victims Reparation Commission (CVRC)

SUMMARY

Synopsis of Bill

House Bill 284 changes in Section 31-22-3 NMSA 1978 the definition of a child to “child includes a stepchild and an adopted child and parent to “parent means a natural parent, adoptive parent or stepchild”.

In Section 4 “Award of Reparation” a new sub section is added: C. loss of a parent to murder when the child is under twenty-six years of age at the time of the loss.

Section 31-22-14 NMSA 1978, Limitations of Award—Collateral Recovery—Preliminary Award, includes a new subsection B-1:

- (1) an additional ten thousand dollars (\$10,000) to a child who loses a parent to murder when the child is under twenty-six years of age at the time of the loss;

A new Section 6 is added to 31-22-14:

Section 6. A new section of the Crime Victims Reparation Act is enacted to read:

**MURDER VICTIM FAMILY SERVICES FUND--
CREATED--PURPOSE--ADMINISTRATION--DISBURSEMENTS.—**

A. The "murder victim family services fund" is created as a nonreverting fund in the state treasury. The fund shall be administered by the commission and shall consist of appropriations, gifts, grants, donations and bequests made to the fund.

B. Money in the murder victim family services fund is subject to appropriation by the legislature to the commission for awarding grants to nonprofit organizations for the provision of cost effective services, victim advocacy, support and educational programs to children and adults who have lost a person within their family relationship group to murder. Money in the fund may also be used to administer the fund.

C. The commission shall adopt rules on qualifications for grants and shall specify the format, procedure and deadlines for grant applications. The director shall review all grant applications and shall submit those applications recommended for final approval to the commission.

D. Disbursements from the murder victim family services fund shall be made upon vouchers issued and signed by the director or the director's designee upon warrants drawn by the secretary of finance and administration. Disbursements of, grants made pursuant to this section shall not be subject to the Procurement Code."

Finally, the bill makes a variety of corrections related to language and grammar.

House Bill 284 appropriates \$500 thousand from the general fund to CVRC to provide reparation to children of murder victims.

House Bill 284 appropriates an additional \$1 million from the general fund to CVRC in the new Murder Victim Family Services Fund for awarding grants to nonprofit organizations for services, victim advocacy, support and educational programs who have lost a person within their family relationship group to murder and for administration of the fund.

FISCAL IMPLICATIONS

The appropriation of \$1.5 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY10 shall revert to the general fund.

According to the December 2008 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$293 million, or 2.6 percent, less than the FY09 appropriation. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

SIGNIFICANT ISSUES

CVRC contributes that survivors of homicide do not have services available to them compared to other crime victims. Homicide survivors have special needs that other victims do not have. These grant funds could be used to establish services to survivors throughout the state.

POSSIBLE QUESTIONS

Why is the age of a child up to 26 years.

MW/mt