

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Park DATE TYPED 01/21/05 HB 108

SHORT TITLE Crime Victims Reparation Fund SB _____

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	\$438.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates
SB 136

Relates to Appropriation in the General Appropriation Act

The LFC recommends general fund appropriation to the Crime Victim Reparation Commission of \$1,799, 700 for FY06, a 4.3 percent increase from FY05 for victims' reparation.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Crime Victims Reparation Commission (CVRC)

SUMMARY

Synopsis of Bill

House Bill 108 would appropriate \$438 thousand from the general fund to the crime victims reparation fund to provide support, advocacy, and services for surviving family and friends of homicide victims. Any unexpended or unencumbered balance remaining at the end of FY 06 shall revert to the general fund.

Significant Issues

The CVRC was created as a mechanism for compensating crime victims or their dependents for death or bodily injury resulting from violent crimes. CVRC also administers the federal Victims of Crime Act grant and the S.T.O.P. Violence Against Women Act grant, which provide services

to victims of crimes.

House Bill 108 would appropriate \$438 thousand from the general fund to provide support, advocacy and services for surviving family and friends of homicide victims.

According to the CVRC, there are two kinds of support provided to victims: direct reparations and services. Funding for direct reparations comes from three sources: general fund, federal grant funding, and restitution transferred from the Department of Corrections. Funding for services comes from federal grant funding only. The CVRC administers the federal grant by providing funding and training to non-profit and public agencies that provide services to victims.

House Bill 108 would appear to provide both compensation and services to victims.

At the request of the CVRC, the LFC is recommending a supplemental appropriation for FY 05 of \$721.3. These costs are for direct victim compensation.

In addition, the LFC is recommending an additional FTE for FY 06 for a restitution recovery officer position. By statute, the commission is entitled to receive 15 percent of inmate wages plus court-ordered restitution. Collection of these funds has remained level over the past several years. The restitution recovery officer would monitor and track collections, with the expectation that the position would fund itself through increased collections. The CVRC is anticipating that the FTE could generate an additional \$200 thousand in FY 06.

According to the CVRC, funding for the federal Victims of Crime Act has not increased in several years. Thus, CVRC is unable to adequately meet the needs of homicide victims' survivors. New Mexico has the 5th highest rate of homicide in the country and many victims are neglected because of the lack of funding.

PERFORMANCE IMPLICATIONS

The CVRC has performance measures for both its victims compensation program, funded by state funds, and its federal grant administration program.

The CVRC indicates that it will develop performance measures for the program funded by this appropriation.

FISCAL IMPLICATIONS

The appropriation of \$438.0 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY 06 shall revert to the general fund.

ADMINISTRATIVE IMPLICATIONS

The CVRC indicates that it will require 5 percent administrative cost to administer the program. Furthermore, it indicates that it will develop a request for proposals as well as performance measures and standards for the program. It will be able to report to the legislature each year as to the accomplishments of the program, providing statistics and results of performance measures.

According to the CVRC, without receiving 5 percent administrative costs, it would not be able to effectively allocate the funding or provide rigorous monitoring of grant recipients.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill is a duplicate of Senate Bill 136.

TECHNICAL ISSUES

The bill appropriates general fund money for “support, advocacy and services for surviving family and friends of homicide victims.” It is unclear if this bill is intended to provide direct reparations, services or both.

The bill indicates that funding would provide support, advocacy and services for surviving family and friends. Currently, eligibility for reparations under state and federal law is limited to the victim, a deceased victim’s dependents, or any individual who voluntarily assumes funeral or medical expenses of a deceased victim. Assistance to victims is provided under federal guidelines to a larger group of individuals, which may include family and friends. House Bill 108 does not specify whether “family and friends” would be eligible for both reparations and services, or just services. If friends and family are eligible for reparations, this would result in incongruence between the eligibility in current programs and eligibility for this specific funding.

House Bill 108 limits the use of the appropriated funding to survivors of homicide victims. The existing state and federal programs provide funding to victims of a much larger list of crimes.

POSSIBLE QUESTIONS

Will the funding be used for reparations, services, or both?

Should funding be limited to victims of homicides?

Would the CVRC have to develop a new program to administer this funding? If so, is this an efficient use of state funding given the comparatively small size of the appropriation?

Should the CVRC be allowed 5 percent administrative costs?

EF/lg:yr