

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7220
BILL NUMBER: SB 515

NOTE PREPARED: Mar 20, 2003
BILL AMENDED:

SUBJECT: Violent Crime Victims Compensation Fund.

FIRST AUTHOR: Sen. Zakas
FIRST SPONSOR: Rep. Dvorak

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED:
 GENERAL
 DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: This bill provides that an award from the Violent Crime Victims Compensation Fund shall be reduced by the amount of restitution actually received from the offender and benefits actually received from a third party on behalf of the offender. (Current law provides that the award must be reduced by the amount of restitution and benefits received or to be received.)

Effective Date: July 1, 2003.

Explanation of State Expenditures: This bill would likely have no fiscal impact on either the Criminal Justice Institute or the payments from the Violent Crimes Victims Compensation Fund.

Under current practice, when victims of a violent crime apply for compensation, they complete a form that includes information on any third party benefits that the victim would receive from private or governmental sources. The victim who applies does not provide any information on restitution either ordered by the court or received by the victim when determining the payment from the fund.

The Criminal Justice Institute specifies in its web site that victims who receive money from the Victims Compensation Fund and who later receive an insurance settlement or court-ordered restitution covering the same loss paid by the fund must repay this amount to the state.

Background:

The Victims Compensation Fund receives monies from the following sources:

- transfers from the state General Fund of \$2.2 M annually under IC 33-19-7-5;
- court-ordered restitution from offenders under IC 35-50-5-3; and
- appropriations from the General Assembly.

IC 33-19-7-5 specifies that when a sentencing court orders restitution, the court may order the person to pay the restitution or part of the restitution directly to the Victim Services Division of the Criminal Justice Institute in an amount not exceeding the amount of the award paid by the Violent Crime Victims Compensation Fund; or the cost of reimbursements made by the Criminal Justice Institute for emergency services provided to sex crime victims under IC 16-21-8-6.

For the past five years, the Criminal Justice Institute reports the following offender restitutions collected.

Fiscal Year	Restitution Payment
1999	\$ 181,213
2000	\$ 86,509
2001	\$ 5,351
2002	\$ 65,938
2003*	\$ 57,146
*first half	

The following shows the number of claims paid through the Violent Crime Victims Compensation Fund between FY 1998 and 2002.

	1998	1999	2000	2001	2002
Claims Paid	3,948	618	784	1,547	713

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Criminal Justice Institute.

Local Agencies Affected:

Information Sources: Criminal Justice Institute, <http://www.state.in.us/cji/victim/23776.pdf>, <http://www.state.in.us/cji/victim/faq.htm>

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