



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 2572

PRINTER'S NO: 3977

PRIME SPONSOR: Eachus

FISCAL IMPACT SUMMARY	FY 2009/10	FY 2010/11
Transfer From: Crime Victim's Compensation Fund	\$0	(\$500,000)
Transfer To: Special Juvenile Victim Compensation Fund	\$0	\$500,000
Transfer From: Crime Victim's Compensation Fund	\$0	(\$1,000,000)
Transfer To: Victim Witness Services Fund	\$0	\$1,000,000

OVERVIEW:

House Bill 2572 amends the Crime Victims Act. It establishes a Special Juvenile Victim's Compensation Fund in the State Treasury by transferring \$500,000 from the Crime Victim's Compensation Fund to the Special Juvenile Victim's Compensation Fund. It also transfers \$1 million from the Crime Victim's Compensation Fund to the existing Victim Witness Services Fund to provide grants to counties for services related to victims of juvenile offenders.

The Special Juvenile Victim's Compensation Fund is established to provide restitution to victims of juvenile crimes based on criteria that specifically apply to cases involving juveniles whose delinquency adjudications or consent decrees were vacated in Luzerne County by the Pennsylvania Supreme Court order of October 29, 2009. The appropriation in the fund will not lapse at the end of the fiscal year. It will be administered by the Pennsylvania Commission on Crime and Delinquency (PCCD), which may not use any of the funds for administrative costs.

The money shall be used solely to provide compensation to victims of juvenile crime in a county of the third class. A victim shall be entitled to receive compensation from the fund if all of the following apply:

- A juvenile delinquency petition was filed in the county which alleged that the victim was a victim of a crime committed by a juvenile.
- The juvenile delinquency petition was disposed of prior to May 31, 2008, by entry of a consent decree or an adjudication of delinquency entered by a court of Common Pleas in the county.
- After December 31, 2008, the consent decree or adjudication of delinquency previously entered was vacated by order of the Supreme Court.

- Following the vacating of the consent decree or adjudication of delinquency, the Supreme Court or a special master appointed by the Supreme Court issued a written determination stating:
 - that the victim suffered monetary loss, expense, or damage as a result of the alleged crime;
 - that the Court of Common Pleas in the county had previously entered an order directing that the victim was entitled to restitution or compensation for the victim's loss, expense, or damage which was vacated prior to the victim's receiving payment in full;
 - that the victim is entitled to receive a compensation award for pain and suffering endured in connection with the victim's contact with the juvenile justice system in Luzerne County;
 - the amount of compensation award to be paid to the victim for pain and suffering which shall equal the amount of restitution the victim would have been entitled to had the consent decree or adjudication or delinquency previously entered not been vacated, less any restitution and compensation with the alleged crime; and
 - notwithstanding any provision of this chapter to the contrary, the following shall apply regarding the calculation of the amount of restitution and compensation previously paid to the victim.

In calculating restitution and compensation previously paid to the victim, the Supreme Court or special master appointed by the Supreme Court shall:

1. request from and be provided by PCCD, information on applications for compensation awards and payment made by PCCD to the victim in regard to the juvenile delinquency case involving the victim; and
2. include any monetary loss, expense, or damage it determines will be paid to or on behalf of the victim by insurance or health or welfare programs.

The Supreme Court or special master may require a victim to disclose the amount of restitution and compensation previously received in connection with the crime charged in the juvenile delinquency petition as a condition of receiving an award.

The Supreme Court or special master will notify PCCD promptly following the issuance of the final written determination that all written determinations have been issued.

PCCD shall make a lump sum payment to each victim for which a determination is made and the payment shall be in the amount specified in the determination. Payments will be reduced on a pro rata basis if money in the Special Juvenile Victim Compensation Fund is insufficient to make all payments required.

PCCD shall, no more than 45 days following notification from the Supreme Court or special master that all written determinations have been issued, submit requests to the State Treasurer that a lump sum payment be made to each victim in the amount set forth in the written

determination pertaining to the victim. These payments are not subject to state taxes and this exemption for state taxes expires June 30, 2012.

The Commonwealth shall be subrogated to the payment of an award made to the extent of the payment, to any right of action against any person to recover losses resulting from the crime charged in the juvenile delinquency petition. This entitles the state to be reimbursed by a crime victim in an amount paid by the fund if a crime victim receives an award through litigation, an insurance settlement, or reimbursement.

A victim receiving an award from the Special Juvenile Victim Compensation Fund shall notify PCCD of any payments from any source that relate to the crime charged in the juvenile delinquency petition and that are received after the Supreme Court or special master's written determination. The victim shall promptly return to PCCD an amount equal to such payments for deposit into the Crime Victim's Compensation Fund.

The Special Juvenile Victim's Compensation Fund will expire when all the money in the fund is expended or June 30, 2011, whichever occurs first. Any remaining money in the fund on June 30, 2011 shall be transferred to the Crime Victim's Compensation Fund.

On July 1, 2011, the State Treasurer will transfer \$1 million from the Crime Victim's Compensation Fund to the Victim Witness Services Fund, for the purpose of supplementing other money in the Victim Witness Services Fund to provide victim of juvenile offender grants to counties. The sum appropriated to the Victim Services Fund will be on a continuing basis.

This act shall take effect in 30 days.

ANALYSIS:

According to PCCD, there are sufficient funds in the Crime Victim's Compensation Fund to make both transfers:

1. \$500,000 to the Special Juvenile Victim's Compensation Fund; and
2. \$1 million to the Victim Witness Services Fund.

Also according to PCCD, it is possible that the Commonwealth will receive reimbursement from the Federal government on moneys expended for compensation from the Special Juvenile Victim's Compensation Fund.

Because all moneys under House Bill 2572 are transferred from existing funds, no general fund money will be used and the Commonwealth is not expected to experience an adverse fiscal impact.

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DATE: June 29, 2010

General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*