

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number SB 1131

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron: J.D. Howell

3. Committee: Passed both houses

4. Title: Criminal Injuries Compensation Fund; various changes to allowances

5. Summary/Purpose: This bill modifies language administering the Criminal Injuries Compensation Fund. It specifies that the lack of a restitution order does not preclude the Fund from exercising its subrogation rights, provides that upon the filing of a claim health care providers are prohibited from undertaking debt collection activities until an award is issued or until a claim is determined to be not compensable, and allows the Fund access to juvenile records in certain instances. Finally, the bill increases the maximum funeral payout from \$3,500 to \$5,000.

6. Fiscal Impact: See Item Eight

7. Budget amendment necessary: No. A budget amendment is not necessary for this item.

8. Fiscal implications: There are four changes outlined in this bill amending current sections of the Code. Two of these are codifying current Crime Victim Compensation practices and have no fiscal impact according to the Virginia Workers' Compensation Commission (VWCC). The VWCC administers the Criminal Injuries Compensation Fund that exists to provide compensation to criminal victims. It is funded from court fees, assessments on offenders, restitution, and federal grants. The bill adds language allowing the VWCC to utilize juvenile criminal and victims' records in settling claims to the fund. Since this is a codification of current practices, no fiscal impact is expected by the VWCC. The second change is meant to affect the ability of the VWCC to issue rulings in administering the Criminal Injuries Compensation Fund. This is also a codification of current practice.

The third change, a "stay of debt collection activities by health care providers," adds language to change the administration of the Criminal Injuries Compensation Fund. It prevents health care providers from making claims against victims filing claims with the Fund until the VWCC has issued an award or until a claim is determined to be not compensable. This is a codified practice of workers' compensation laws, expanding it to cover Virginia Workers' Compensation Fund applicants. The VWCC does not expect a fiscal impact to the Commonwealth.

The fourth change is an increase in the funeral benefits that the VWCC is allowed to grant to crime victims. Due to rising costs of funeral expenses, the bill increases allowable funeral benefits from \$3,500 to \$5,000. For example, in fiscal year 2004 the VWCC issued 169

compensation claims for funeral services totaling \$594,525. Based on last year's grants, about \$254,796 NGF additional is needed to cover these increases. However, given this is a non-general fund program and the program historically has enough appropriation and funding to cover this increase, no budget amendment is necessary. Any needed increase in appropriation may be administratively increased through §4-1.04 of Chapter 4, 2004 Acts of Assembly.

9. Specific agency or political subdivisions affected: Virginia Workers' Compensation Commission

10. Technical amendment necessary: No

11. Other comments: Refer to Code of Virginia, §§ 16.1-301, 19.2-368.5, 19.2-368.10, and 19.2-368.11:1.

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