

Department of Planning and Budget

2014 Fiscal Impact Statement

1. Bill Number: SB186

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: McDougle, R.T.

3. Committee: Courts of Justice

4. Title: Criminal Injuries Compensation Fund filing extensions.

5. Summary: This bill allows the Virginia Workers' Compensation Commission, which administers the Criminal Injuries Compensation Fund, to extend the time for filing a claim if the attorney for the Commonwealth submits written notice that the crime is being investigated as a result of newly discovered evidence. The bill applies to crimes committed on or after July 1, 1977, because under current law, the only claims that can be accepted are those for crimes that occurred on or after that date. The bill does not apply to crimes committed on or after July 1, 2001, because legislation that became effective on July 1, 2001, allowed the Workers' Compensation Commission to extend the time for filing for good cause shown.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Fiscal impact estimates are final.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2014	0	0	NGF
2015	\$15,000	0	NGF
2016	\$15,000	0	NGF

8. Fiscal Implications: The fiscal impact of the bill is estimated to be approximately \$15,000 per year in crime victim compensation awards beginning in FY 2015. The Workers' Compensation Commission expects the impact to be minimal, with an estimated five additional claims per year averaging \$3,000 per claim. Any additional workload due to claims resulting from this bill can be handled with the agency's existing personnel and resources.

Additional claims will be limited to those for crimes committed on or after July 1, 1977, and before July 1, 2001, which are investigated as a result of evidence newly discovered after the date which this bill takes effect. According to the Commission, Victims of crimes occurring on or after July 1, 1977 and before July 1, 2001 for which cases were reopened due to newly discovered evidence before the bill takes effect will not qualify for compensation because

crime victim compensation claims are not retroactively subject to newly established laws and policies. The bill also stipulates that claim awards may only consider expenses that claimants accrue after the date of written notification to the Commission by the attorney for the Commonwealth that the crime is being investigated as a result of newly discovered evidence.

This bill is not expected to affect the revenue collected by the Workers' Compensation Commission within the next two years. The Criminal Injuries Compensation Fund receives revenue from three sources: court fees, federal reimbursement grants, and collections from offenders. Revenue from court fees will not be affected by this bill. Although the Criminal Injuries Compensation Fund receives federal reimbursement of a portion of victim expenses it pays, there is approximately a three year lag between payment and reimbursement. Therefore, federal reimbursement of 60 percent of the estimated \$15,000 annual cost of the bill, or \$9,000, is expected beginning in FY 2018. The Commission also pursues collection of claim payments from offenders; however, it does not expect to be able to collect any significant amount from offenders of crimes that this bill affects because offenders will most likely be incarcerated due to the nature of crimes for which the statute of limitations will not have elapsed and the requirement that claims be limited to crimes investigated as a result of newly discovered evidence.

9. Specific Agency or Political Subdivisions Affected: Virginia Workers' Compensation Commission.

10. Technical Amendment Necessary: No.

11. Other Comments: HB 885 is identical to this bill.

Date: 1/14/2014

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