

Maddox
Angelo
Hammond

SSB-1133
Judiciary

Succeeded By
SENATE FILE SP/HF 259
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MADDOX)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the victim rights compensation fund.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 915.94, Code 2001, is amended to read
2 as follows:

3 915.94 VICTIM COMPENSATION FUND.

4 A victim compensation fund is established as a separate
5 fund in the state treasury. Moneys deposited in the fund
6 shall be administered by the department and dedicated to and
7 used for the purposes of section 915.41 and this subchapter.
8 In addition, the department may use moneys from the fund for
9 ~~the purposes of section 236-15~~ for the purpose of the
10 department's prosecutor-based victim service coordination,
11 including, but not limited to, the duties defined in sections
12 910.3 and 910.6 and chapter 915, and for the award of funds to
13 programs that provide services and support to victims of
14 domestic abuse or sexual assault as provided in chapter 236.
15 The department may also use up to one hundred thousand dollars
16 from the fund to provide training for victim service
17 providers. Notwithstanding section 8.33, any balance in the
18 fund on June 30 of any fiscal year shall not revert to the
19 general fund of the state.

20 EXPLANATION

21 This bill amends Code section 915.94 relating to the victim
22 compensation fund. The bill expands the authority of the
23 department of justice to allow use of moneys from the fund for
24 the department's prosecutor-based victim service coordination,
25 including, but not limited to, the department's restitution
26 and victim rights duties. The bill further allows the
27 department of justice to use up to \$100,000 from the fund for
28 victim service provider training.

29
30
31
32
33
34
35

Substitutes for HF 684
4-18-01
(p. 1265)

FILED FEB 21 '01

SENATE FILE 259
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1133)

Passed Senate, Date ^(p. 1010) 4-9-01 Passed House, Date ^(p. 1265) 4-18-01
Vote: Ayes 45 Nays 0 Vote: Ayes 94 Nays 0
Approved 4-26-01

A BILL FOR

1 An Act relating to the victim rights compensation fund.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SF 259

1 Section 1. Section 915.94, Code 2001, is amended to read
2 as follows:

3 915.94 VICTIM COMPENSATION FUND.

4 A victim compensation fund is established as a separate
5 fund in the state treasury. Moneys deposited in the fund
6 shall be administered by the department and dedicated to and
7 used for the purposes of section 915.41 and this subchapter.
8 In addition, the department may use moneys from the fund ~~for~~
9 the purposes of section 236.15 for the purpose of the
10 department's prosecutor-based victim service coordination,
11 including the duties defined in sections 910.3 and 910.6 and
12 chapter 915, and for the award of funds to programs that
13 provide services and support to victims of domestic abuse or
14 sexual assault as provided in chapter 236. The department may
15 also use up to one hundred thousand dollars from the fund to
16 provide training for victim service providers.
17 Notwithstanding section 8.33, any balance in the fund on June
18 30 of any fiscal year shall not revert to the general fund of
19 the state.

20 EXPLANATION

21 This bill amends Code section 915.94 relating to the victim
22 compensation fund. The bill expands the authority of the
23 department of justice to allow use of moneys from the fund for
24 the department's prosecutor-based victim service coordination,
25 including the department's restitution and victim rights
26 duties. The bill further allows the department of justice to
27 use up to \$100,000 from the fund for victim service provider
28 training.

29
30
31
32
33
34
35

SENATE FILE 259

S-3183

1 Amend Senate File 259 as follows:
2 1. Page 1, by striking lines 7 through 19 and
3 inserting the following: "~~used for the purposes of~~
4 ~~section 915.41 and this subchapter as cash~~
5 contributions to crime victims. ~~In addition, the~~
6 ~~department may use moneys from the fund for the~~
7 ~~purposes of section 236.15 and for the award of funds~~
8 ~~to programs that provide services and support to~~
9 ~~victims of domestic abuse or sexual assault as~~
10 ~~provided in chapter 236.~~ Notwithstanding section
11 ~~8.33, any balance in the fund on June 30 of any fiscal~~
12 ~~year shall not revert to the general fund of the~~
13 ~~state."~~

By STEVE KING

S-3183 FILED MARCH 19, 2001

W/D

4-9-01 (p. 1009) SENATE FILE 259

S-3184

1 Amend Senate File 259 as follows:
2 1. Page 1, by striking lines 7 through 16 and
3 inserting the following: "~~used for the purposes of~~
4 ~~section 915.41 and this subchapter exclusively for~~
5 cash contributions to crime victims. ~~In addition, the~~
6 ~~department may use moneys from the fund for the~~
7 ~~purposes of section 236.15 and for the award of funds~~
8 ~~to programs that provide services and support to~~
9 ~~victims of domestic abuse or sexual assault as~~
10 ~~provided in chapter 236."~~

By STEVE KING

S-3184 FILED MARCH 19, 2001

W/D

4/9/01
(p. 1009)

SENATE FILE 259

S-3199

- 1 Amend Senate File 259 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 910.7A, Code 2001, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 3. The court shall not discharge
7 a defendant's obligation to pay pecuniary damages to a
8 victim under an order for restitution, unless one of
9 the following occurs:
10 (a) The victim or the victim's estate has
11 consented in writing to the discharge.
12 (b) The court determines, after a hearing, that
13 the defendant's obligation should be discharged.
14 Notice of the hearing shall be given to the victim or
15 the victim's estate, the defendant, and the county
16 attorney. The victim shall be given an opportunity to
17 be heard at the hearing."
18 2. Title page, line 1, by striking the words "the
19 victim rights" and inserting the following: "crime
20 victim".
21 3. Title page, line 1, by striking the word
22 "fund".
23 4. By renumbering as necessary.

By STEVE KING

S-3199 FILED MARCH 20, 2001

W/D
4-9-01
(P. 1009)

**SENATE FILE 259
FISCAL NOTE****REQUESTED BY:
SENATOR MADDOX**

A fiscal note for **Senate File 259** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 259 expands the authority of the Department of Justice to allow moneys from the Victim Compensation Fund to be used for the Department's prosecutor-based victim service coordination and the Department's restitution and victim rights duties. The Bill also permits up to \$100,000 from the Victim Compensation Fund to be used to provide training for victim service providers.

ASSUMPTIONS

1. FY 2001 estimated revenues for the Fund total \$8.35 million from the following sources: \$950,000 from federal Victims of Crime Act (VOCA) funds; \$3.5 million from criminal surcharges and fines; and \$700,000 from donations, inmate wages, and recovery from insurance companies. An additional \$3.2 million carried forward from FY 2000.
2. FY 2001 estimated expenditures from the Fund total \$5.95 million as follows: \$4.5 million in claims from eligible victims as defined in Chapters 910 and 915, Code of Iowa; \$250,000 in victim services grants pursuant to Chapter 236, Code of Iowa; and \$1.2 million for administrative costs, as defined in Chapter 915, Code of Iowa.
3. The Victim Compensation Fund is estimated to have \$2.40 million in reserves at the end of FY 2001. Based on actuarial studies conducted in other states, at least \$2.0 million is required to be held in reserve so that the Fund remains actuarially sound.
4. FY 2001 estimated expenditures from the Fund are: \$4.5 million in claims from eligible victims as defined in Chapters 910 and 915, Code of Iowa; \$250,000 in victim services grants pursuant to Chapter 236, Code of Iowa; and \$1.2 million for administrative costs as defined in Chapter 915, Code of Iowa.
5. The Department will have two staff designated as victim-witness coordinators.
6. The Department currently has 1.5 FTE positions dedicated as victim-witness coordinators, funded from federal funds. The Department will transfer the funding source for the 1.5 FTE positions from federal victim assistance funds to the Victim Compensation Fund.
7. The annual salary and benefit costs of a victim-witness coordinator is approximately \$40,000.

FISCAL IMPACT

PAGE 2 , FISCAL NOTE, SENATE FILE 259

-2-

Senate File 259 would result in additional costs to the Victim Compensation Fund of approximately \$180,000 annually. Of this amount, \$100,000 may be used for training victim service providers, while \$80,000 will be used to fund two victim-witness coordinators.

SOURCE

Iowa Department of Justice

(LSB 1258SV, BAL)

FILED FEBRUARY 27, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

30 of any fiscal year shall not revert to the general fund of the state.

SENATE FILE 259

MARY E. KRAMER
President of the Senate

AN ACT

RELATING TO THE VICTIM RIGHTS COMPENSATION FUND.

BRENT SIEGRIST
Speaker of the House

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 915.94, Code 2001, is amended to read as follows:

915.94 VICTIM COMPENSATION FUND.

A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 915.41 and this subchapter. In addition, the department may use moneys from the fund for the purposes of section 236.15 for the purpose of the department's prosecutor-based victim service coordination, including the duties defined in sections 910.3 and 910.6 and chapter 915, and for the award of funds to programs that provide services and support to victims of domestic abuse or sexual assault as provided in chapter 236. The department may also use up to one hundred thousand dollars from the fund to provide training for victim service providers.

Notwithstanding section 8.33, any balance in the fund on June

I hereby certify that this bill originated in the Senate and is known as Senate File 259, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/26, 2001

THOMAS J. VILSACK
Governor