



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #514

Victim and Witness Fund (Justice)

[LFB 2009-11 Budget Summary: Page 427, #2, Page 432, #9, and Page 433, #10]

CURRENT LAW

When a court imposes a sentence or places a person on probation, the court also imposes the crime victim and witness assistance surcharge (\$60 for each misdemeanor offense and \$85 for each felony offense). The initial \$40 of the surcharge for a misdemeanor and \$65 for a felony is termed the "Part A" portion of the surcharge and is allocated for county victim and witness assistance programs and for crime victim compensation awards. In addition, this surcharge is also assessed on certain civil convictions. The surcharge revenue from these civil convictions is also allocated to county victim and witness assistance programs and for crime victim compensation awards.

The additional \$20 for both a misdemeanor and a felony violation is termed "Part B" of the surcharge. These surcharge amounts are authorized to fund the sexual assault victim services grant program.

GOVERNOR

Reimbursement for County Victim and Witness Assistance Programs. Make the following changes to reimbursement funding for county victim and witness assistance programs: (a) provide \$515,700 PR in 2009-10, and \$1,108,800 PR in 2010-11, to increase the amounts available to reimburse counties for up to 90% of their victim and witness assistance program costs; and (b) reduce county reimbursement funding by \$34,400 PR annually as part of an across-the-board 1% reduction to most non-federal appropriations.

Crime Victim Compensation Award Funding. Make the following funding changes to the crime victim compensation program: (a) provide \$312,700 PR in 2009-10, and \$509,100 PR in

2010-11, to increase the amounts available to compensate crime victims; and (b) reduce funding for these awards by \$4,900 PR annually as part of an across-the-board 1% reduction to most non-federal appropriations. The administration has indicated an intent to lapse amounts equal to this 1% reduction to the general fund.

Sexual Assault Victim Services Grant Funding. Delete \$20,000 PR annually in sexual assault victim services grant funding as part of an across-the-board 1% reduction to most non-federal appropriations.

Crime Victim and Witness Assistance Surcharge. Increase Part B of the crime victim and witness assistance surcharge from \$20 under current law, to \$25. Provide that 80% of Part B revenues, instead of 100% under current law, be allocated for grants for sexual assault victim services. Provide that the remaining 20% of Part B revenues be deposited to the crime victim and witness assistance surcharge, general services appropriation. Revenue deposited to this appropriation may be utilized for reimbursement payments to counties for victim and witness assistance programs and for crime victim compensation awards.

DISCUSSION POINTS

Background

1. *Reimbursement for County Victim and Witness Assistance Programs.* Counties are eligible to receive reimbursement from the state for not more than 90% of the costs incurred in providing victim and witness services. To be eligible for reimbursement, a county must provide all of the following services to victims and witnesses: (a) court appearance notification services, including cancellation of appearances; (b) victim compensation and social services referrals, including witness fee collection, case-by-case referrals and public information; (c) escort and other transportation services related to the investigation or prosecution of the case, if necessary or advisable; (d) case progress notification services which may be combined with court appearance notification services; (e) assistance in providing the court with information pertaining to the economic, physical and psychological effect of the crime upon the victim of a felony; (f) employer intercession services; (g) expedited return of property services; (h) protection services; and (i) waiting facilities. In 2007-08, counties reported aggregate costs of \$10,003,300 (all funds) under the program.

2. If a county wishes to be reimbursed, the county board must submit a program plan to the Department of Justice (DOJ) for approval. The plan must describe the level of services to victims and witnesses that the county plans to provide; the personnel or agencies responsible for programs and services; proposed staffing for the program; proposed education, training and experience requirements for program staff; and the county's budget for implementing the program. The plan must also provide that the district attorney, local law enforcement agencies, and the courts will make all non-confidential reports and files available to program staff as required to carry out their responsibilities.

3. The actual percentage of county costs that is reimbursed varies each year depending upon the availability of state funds, the costs of the counties' programs and the number of counties operating approved programs. Table 1 summarizes for the last 10 completed fiscal years the total reported annual county costs of those counties participating in the program, the total annual state reimbursements, the percentage of county costs actually reimbursed, and the number of counties receiving reimbursement for victim and witness assistance services costs.

TABLE 1

State Reimbursement to Counties for Victim and Witness Program Costs

<u>Fiscal Year</u>	<u>Reported County Costs</u>	<u>Amount of State Reimbursement</u>	<u>Percentage of Counties' Cost Reimbursed</u>	<u>Number of Counties Receiving Reimbursement</u>
1998-99	\$6,622,500	\$4,772,000	72%	68
1999-00	7,287,900	5,044,700	69	70
2000-01	7,883,900	5,325,100	68	70
2001-02	8,296,500	5,483,500	66	70
2002-03	8,626,400	5,348,400	62	70
2003-04	8,671,700	5,203,100	60	70
2004-05	8,903,600	5,296,600	59	70
2005-06	9,558,600	5,161,700	54	71
2006-07	9,768,500	5,034,400	52	71
2007-08	10,003,300	5,654,300	57	71

4. Reimbursement payments are funded from four different sources: (a) general purpose revenue (GPR); (b) Part A of the crime victim and witness assistance surcharge; (c) federal Byrne Justice Assistance Grant funding administered by the Office of Justice Assistance; and (d) penalty surcharge revenue. Of the \$5,654,300 (\$1,422,200 GPR and \$4,232,100 PR) reimbursed to counties in 2007-08 for victim and witness services, expenditures from Part A equaled \$3,163,700 PR; expenditures from federal Byrne Justice Assistance Grant funding totaled \$183,100 PR; and expenditures from penalty surcharge receipts equaled \$885,300 PR.

5. Under 2005 Wisconsin Act 25, Part A of the surcharge was increased from \$30 for each misdemeanor offense to \$40, and from \$50 for each felony offense to \$65, to provide increased funding to counties for their crime victim and witness assistance program costs. Under 2007 Wisconsin Act 20, the surcharge is also imposed on civil offenses if: (a) a person is charged with one or more crimes in a complaint; and (b) as a result of the complaint being amended, the person is charged with a civil offense in lieu of one of those crimes. The amount of the surcharge applied to the civil offense is based on whether the original underlying charge was a felony charge (in which case an \$85 surcharge is assessed), or a misdemeanor charge (in which case a \$60 surcharge is assessed).

6. Under 2005 Wisconsin Act 25, the additional Part A surcharge revenue was utilized to decrease the deficit that had arisen in Part A funded programs. Under 2007 Wisconsin Act 20, base funding to provide reimbursements to counties for their victim and witness assistance program costs was increased by \$615,400 PR in 2007-08, and by \$871,500 PR in 2008-09. The provisions of AB 75 would: (a) provide an additional \$515,700 PR in 2009-10, and \$1,108,800 PR in 2010-11, to increase the amount available to reimburse counties for up to 90% of their victim and witness assistance program costs; and (b) reduce county reimbursement funding by \$34,400 PR annually as part of an across-the-board 1% reduction to most non-federal appropriations.

7. *Crime Victim Compensation Award Funding.* The crime victim compensation program compensates victims and their dependents for the cost of medical treatment (both physical and mental), lost wages, funeral and burial expenses, loss of support to dependents of a deceased victim, and replacement costs of any clothing or bedding that is held for evidentiary purposes. In addition, victims who are homemakers may be compensated for expenses related to securing homemaker services when someone must be hired to perform these services. The maximum award for any one injury or death is \$40,000. This amount is in addition to a \$2,000 maximum reimbursement of burial expenses that may be awarded.

8. Funding for the crime victim compensation program is provided from the following sources: (a) general purpose revenue (GPR); (b) Part A of the crime victim and witness assistance surcharge; (c) restitution payments received by the state from defendants to offset prior awards made to victims under the program; and (d) from grants awarded under the federal Victims of Crime Act (VOCA), as amended. The federal VOCA program matches 60% of state funding for crime victim compensation.

9. For 2008-09, \$3,058,800 (\$1,258,000 GPR, \$1,012,000 FED, \$488,800 PR in crime victim and witness assistance surcharge revenue, and \$300,000 PR in restitution funding) is budgeted to make awards to victims of crime.

10. The provisions of 2007 Wisconsin Act 20 provided that restitution payments received by the state from defendants to offset awards made to victims under the crime victim compensation program would no longer be deposited to the general fund, but would instead be deposited to a new PR appropriation to increase funding available for crime victim awards. The increased PR restitution funding will also permit the state to increase its share of federal VOCA funding for crime victim awards. In addition, the federal American Recovery and Reinvestment Act provides \$264,200 FED in one-time funds for crime victim compensation.

11. Nonetheless, claims for compensation under the program have exceeded available revenue and created a deficit situation. The Department of Justice estimates that the program will begin the 2009-11 biennium with a deficit of \$2,201,300.

12. Under AB 75, the crime victim compensation program would: (a) receive \$312,700 PR in 2009-10, and \$509,100 PR in 2010-11, to increase the amounts available for crime victim compensation awards; and (b) be reduced by \$4,900 PR annually as part of an across-the-board 1%

reduction to most non-federal appropriations.

13. While not reflected under AB 75, it is further estimated that the net additional increase of \$307,800 PR in state funding in 2009-10, would permit the state to receive an additional \$184,700 FED in VOCA funding in 2010-11.

14. *Sexual Assault Victim Services Grant Program.* Under 1993 Wisconsin Act 16, a sexual assault victim services grant program (SAVS) was created. Grants are provided by DOJ to eligible nonprofit corporations or public agencies to provide (or subcontract to provide) the following services for sexual assault victims: (a) advocacy and counseling services; (b) 24-hour crisis telephone service; (c) educational programs on professional intervention and community prevention; and (d) services for persons living in rural areas, men, children, elderly or physically disabled persons, minority groups or other groups of victims that have special needs within the service area of the nonprofit corporation or public agency.

15. An eligible organization may not receive more than 70% of its operating budget from grants provided under this program and may not contract, subcontract or enter into agreements with other organizations or individuals to provide all of the required services. When DOJ reviews grant applications, it must consider local needs for sexual assault victim services, the coordination of the applicant's services with other victim resources, the needs of rural and urban communities, and the needs of existing and proposed programs and services.

16. Sexual assault victim services grants are awarded on a calendar year basis. In 2008, 43 agencies were awarded grants totaling \$1,733,600. For 2009, 45 agencies have been awarded grants totaling \$1,976,400. The sexual assault victim services grant program is funded through Part B of the crime victim and witness assistance surcharge.

17. The provisions of AB 75 delete \$20,000 PR annually in sexual assault victim services grant funding as part of an across-the-board 1% reduction to most non-federal appropriations.

Victim and Witness Fund

18. *Maintain Current Law.* Table 2 reflects the fund condition for Part A of the crime victim and witness assistance surcharge if current law were to be maintained through 2009-11. Under current law, Part A funds the reimbursements to counties for victim and witness assistance programs and funds crime victim compensation awards. Maintaining current law would delete: (a) the 1% reductions under AB 75; (b) increased funding for reimbursement payments to counties (\$515,700 PR in 2009-10, and \$1,108,800 PR in 2010-11); (c) increased funding for crime victim compensation awards (\$312,700 PR in 2009-10, and \$509,100 PR in 2010-11); and (d) the \$5 increase to Part B and the utilization of 20% of Part B revenues to fund increases for county payments and crime victim compensation awards. If current law were to be maintained, the closing balance for Part A would increase from \$939,200 PR at the end of 2008-09, to \$1,461,400 PR at the end of 2010-11. [Alternative 4]

TABLE 2

**Part A Fund Condition Under Current Law -- County Reimbursements
and Crime Victim Compensation Awards**

	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>
Opening Balance	\$678,100	\$939,200	\$1,200,300
Revenue			
Part A	\$4,188,000	\$4,188,000	\$4,188,000
Expenditures			
County Reimbursements	\$3,438,100	\$3,438,100	\$3,438,100
Crime Victim Compensation Awards	<u>488,800</u>	<u>488,800</u>	<u>488,800</u>
Subtotal	\$3,926,900	\$3,926,900	\$3,926,900
Closing Balance	\$939,200	\$1,200,300	\$1,461,400

19. Likewise, Table 3 reflects the fund condition for Part B of the crime victim and witness assistance surcharge if current law were to be maintained through 2009-11. Under current law, the available balances under Part B are projected to decrease substantially over the biennium from \$1,446,100 PR at the end of 2008-09, to \$620,500 PR at the end of 2010-11. [Alternative 4]

TABLE 3

**Part B Fund Condition under Current Law -- Sexual Assault
Victim Services Grant Funding**

	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>
Opening Balance	\$1,858,900	\$1,446,100	\$1,033,300
Revenue			
Part B	\$1,587,200	\$1,587,200	\$1,587,200
Expenditures			
Sexual Assault Victim Services	\$2,000,000	\$2,000,000	\$2,000,000
Closing Balance	\$1,446,100	\$1,033,300	\$620,500

20. *AB 75*. Table 4 reflects the fund condition for Part A of the crime victim and witness assistance surcharge under *AB 75*. While the fund is estimated to conclude 2008-09 with a positive balance of \$939,200 PR, based on expenditures under the bill and a re-estimate of available revenues, it is estimated to conclude 2010-11 with a deficit of \$211,900 PR. [Alternative 1]

TABLE 4

Part A Fund Condition Under AB 75 -- County Reimbursements and Crime Victim Compensation Awards

	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>
Opening Balance	\$678,100	\$939,200	\$748,500
Revenue			
Part A	\$4,188,000	\$4,188,000	\$4,188,000
Part B		<u>337,300</u>	<u>357,100</u>
Subtotal		\$4,525,300	\$4,545,100
Expenditures			
County Reimbursements	\$3,438,100	\$3,919,400	\$4,512,500
Crime Victim Compensation Awards	<u>488,800</u>	<u>796,600</u>	<u>993,000</u>
Subtotal	\$3,926,900	\$4,716,000	\$5,505,500
Closing Balance	\$939,200	\$748,500	-\$211,900

21. The Part A fund is projected to conclude 2010-11 with a deficit of \$211,900 PR, despite receiving an estimated \$694,400 PR over the biennium in Part B funds (which under current law are utilized exclusively to fund sexual assault victim services grants). Table 5 reflects the fund condition for Part B of the crime victim and witness assistance surcharge under AB 75. Under AB 75, the available balances under Part B would decrease further than if current law was maintained. Available balances would be projected to decrease from \$1,446,100 PR at the end of 2008-09, to \$263,700 PR at the end of 2010-11. [Alternative 1]

TABLE 5

Part B Fund Condition under AB 75 -- Sexual Assault Victim Services Grant Funding

	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>
Opening Balance	\$1,858,900	\$1,446,100	\$815,200
Revenue			
Part B	\$1,587,200	\$1,349,100	\$1,428,500
Expenditures			
Sexual Assault Victim Services	\$2,000,000	\$1,980,000	\$1,980,000
Closing Balance	\$1,446,100	\$815,200	\$263,700

22. Under AB 75, the administration estimated that increasing Part B would generate

additional revenue of \$100,000 PR in 2010-11. Based on an updated review of available collection data, it is estimated that this surcharge change could generate additional revenue of \$99,200 PR in 2009-10, and \$198,400 PR in 2010-11. While increasing Part B is projected to generate additional revenue during 2009-11, base Part B revenues are projected to decline by approximately 10% in 2008-09, versus amounts collected in 2007-08.

23. Since 2006 there has been a modest decline in the number of criminal convictions to which Part A and Part B of the crime victim and witness assistance surcharge apply. Under AB 75, it was projected that Part A revenues would increase by 5% annually during the upcoming biennium. Based on recent criminal conviction trends it is now estimated that there will be no growth in underlying base revenues during 2009-11. If the number of criminal convictions to which the surcharges apply decrease further, revenues could be less than what is currently projected.

24. *Increase Part B by \$7 and Transfer 26% of Part B revenues to the Part A Fund.* Given the general decline in the percentage of county costs for victim and witness assistance programs that have been reimbursed by the state over the last 10 years, and given the deficit in the crime victim compensation program (identified in discussion point 11), the Committee could conclude that additional funding for these programs should be provided as recommended under AB 75. Increasing Part B of the surcharge by \$7, to \$27, and providing that 26% of Part B revenues be allocated for county reimbursements and crime victim compensation payments under the Part A fund would eliminate the projected deficit in the Part A fund under AB 75, and fully fund the recommended increased expenditure authority for these programs. It is estimated that increasing Part B by an additional \$2 over that recommended in AB 75 would generate revenue of \$39,700 PR in 2009-10, and \$79,400 PR in 2010-11.

25. Table 6 reflects the fund condition for Part A of the crime victim and witness assistance surcharge if the Committee adopted these modifications to the provisions of AB 75. The closing balance for Part A under these modifications would decrease from \$939,200 PR at the end of 2008-09, to \$27,400 PR at the end of 2010-11. Under this alternative, \$933,700 PR in Part B revenues would be utilized over the biennium to fund increased county reimbursements and increased funding for crime victim compensation awards. [Alternative 2]

TABLE 6

Part A Fund Condition Increasing Part B by \$7 and Allocating 26% of Part B Revenues to the Part A Fund -- County Reimbursements and Crime Victim Compensation Awards

	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>
Opening Balance	\$678,100	\$939,200	\$860,000
Revenue			
Part A	\$4,188,000	\$4,188,000	\$4,188,000
Part B		<u>448,800</u>	<u>484,900</u>
Subtotal		\$4,636,800	\$4,672,900
Expenditures			
County Reimbursements	\$3,438,100	\$3,919,400	\$4,512,500
Crime Victim Compensation Awards	<u>488,800</u>	<u>796,600</u>	<u>993,000</u>
Subtotal	\$3,926,900	\$4,716,000	\$5,505,500
Closing Balance	\$939,200	\$860,000	\$27,400

26. Table 7 reflects the fund condition for Part B of the crime victim and witness assistance surcharge if the Committee adopted these modifications to the provisions of AB 75. The closing balance for Part B under these modifications would decrease from \$1,446,100 PR at the end of 2008-09, to \$143,500 PR at the end of 2010-11. [Alternative 2]

TABLE 7

Part B Fund Condition Increasing Part B by \$7 and Allocating 26% of Part B Revenues to the Part A Fund -- Sexual Assault Victim Services Grant Funding

	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>
Opening Balance	\$1,858,900	\$1,446,100	\$743,400
Revenue			
Part B	\$1,587,200	\$1,277,300	\$1,380,100
Expenditures			
Sexual Assault Victim Services	\$2,000,000	\$1,980,000	\$1,980,000
Closing Balance	\$1,446,100	\$743,400	\$143,500

27. Upon a criminal conviction, state law specifies the order of payment for twenty state-created surcharges. Table 8 identifies the current order of surcharge payments upon a criminal conviction. Not all surcharges are collected for each criminal conviction. Rather, some surcharges are more broadly applied, while others apply in more limited circumstances. Part A of the crime

victim and witness assistance surcharge is third in the order of payment, while Part B is fourth in the order of payment.

TABLE 8

Order of Payment of Surcharges Following a Criminal Conviction

<u>Order of Payment</u>	<u>Surcharge</u>
1	Penalty Surcharge (26% of the fine or forfeiture)
2	Jail Surcharge (1% of the fine or forfeiture, or \$10, whichever is greater)
3	Part A of the Crime Victim and Witness Assistance Surcharge (\$40 per misdemeanor conviction, \$60 per felony conviction)
4	Part B of the Crime Victim and Witness Assistance Surcharge (\$20 for each criminal conviction)
5	Crime Laboratories and Drug Law Enforcement Surcharge (generally \$8 per criminal or civil conviction)
6	Deoxyribonucleic Acid Surcharge (generally \$250 per criminal conviction)
7	Child Pornography Surcharge (\$500 per image)
8	Drug Abuse Program Improvement Surcharge (75% of the fine and penalty assessment imposed)
9	Drug Offender Diversion Surcharge (\$10 per property crime conviction)
10	Driver Improvement Surcharge (\$365 for certain OWI convictions)
11	Truck Driver Education Surcharge (\$8 per traffic conviction)
12	Domestic Abuse Surcharge (\$100 per offense)
13	Consumer Protection Surcharge (25% of the total fine or forfeiture)
14	Natural Resources Surcharge (75% of the fine or forfeiture)
15	Natural Resources Restitution Surcharge (equal to the fee which should have been paid)
16	Environmental Surcharge (10% of the fine or forfeiture)
17	Wild Animal Protection Surcharge (\$8.75 to \$2,000 depending on animal)
18	Wildlife Violator Compact Surcharge (\$5 for certain wild animal or plant violations)
19	Weapons Surcharge (75% of fine or forfeiture, up to \$1,000)
20	Uninsured Employer Surcharge (75% of the fine or forfeiture, which can range from \$10 to \$10,000)

28. There are a number of issues that should be considered in regards to any proposal to increase Part B of the crime victim and witness assistance surcharge:

First, an analysis of court collections indicates that there may be limitations to the ability to increase collections from court-imposed surcharges. For example, the \$10 drug offender diversion surcharge is number nine in order of collection of surcharges under current law. This surcharge is assessed if a court imposes a sentence or places a person on probation for a property crime conviction under Chapter 943 of the statutes. Under 2005 Senate Bill 142, it was estimated that if this surcharge was created, that it would generate \$265,000 annually in additional revenue to the state, based on the number of property crime convictions under Chapter 943 of the statutes in 2004. Once created, however, revenues have not met this original estimate. In 2006-07, the \$10 drug

offender diversion surcharge generated \$14,600 in revenues. In 2007-08, the amount of revenue generated by this new surcharge increased to \$25,700. Through April of the current fiscal year, \$32,900 in revenues has been collected under this surcharge.

Second, based on the history of increased collections when Part A was increased under 2005 Act 25 and when Part B was created under 1993 Act 16, it is estimated that increasing the Part B surcharge would likewise result in increased revenues over a four-year period. However, these increased collections may come at the expense of other surcharge funds that are lower down the priority list for collection. In particular, the administration estimates that under AB 75, the crime laboratories and drug law enforcement surcharge and DNA surcharge fund will conclude 2010-11 with a deficit of approximately \$4.9 million. Increasing the Part B surcharge (fourth in the order of collection) may reduce collections and increase the resulting deficit for the crime laboratories and drug law enforcement surcharge and the DNA surcharge (fifth and sixth in the order of collection).

Third, the revenue estimates associated with increasing the Part B surcharge assume that the number of criminal convictions will remain at calendar year 2008 levels. Since calendar year 2006, there has been a modest decline in the number of criminal convictions. If the number of criminal convictions were to continue to decrease, then revenues could be lower than projected here.

Finally, other economic and criminal justice trends could reduce estimated collections under a Part B surcharge increase. Increasing unemployment and other economic strains on household income could reduce the collections rate for court surcharges. In addition, to the extent that more criminal cases are diverted from prosecution, this could also affect court surcharge collections.

29. *Delete Part B Surcharge Increase and Delete Increased Funding for County Reimbursements.* In lieu of the above alternatives, the Committee could also consider deleting the: (a) recommended \$5 increase to Part B of the crime victim and witness assistance surcharge; (b) transfer of Part B revenues to the Part A fund; and (c) increased expenditure authority for reimbursements for county victim and witness assistance programs. The 1% reductions under AB 75 would be maintained. This alternative would address any Committee concerns with increasing the Part B surcharge and would prioritize addressing the deficit that has developed in the crime victim compensation program.

30. Table 9 reflects the fund condition for Part A of the crime victim and witness assistance surcharge if the Committee adopted these modifications to the provisions of AB 75. The closing balance for Part A under these modifications would decrease from \$939,200 PR at the end of 2008-09, to \$718,200 PR at the end of 2010-11. Under this alternative no Part B revenues would be utilized over the biennium to provide increased funding for crime victim compensation awards. [Alternative 3]

TABLE 9

Part A Fund Condition Deleting Part B Surcharge Increase and Providing Increased Funding for Crime Victim Compensation -- County Reimbursements and Crime Victim Compensation Awards

	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>
Opening Balance	\$678,100	\$939,200	\$926,900
Revenue			
Part A	\$4,188,000	\$4,188,000	\$4,188,000
Expenditures			
County Reimbursements	\$3,438,100	\$3,403,700	\$3,403,700
Crime Victim Compensation Awards	<u>488,800</u>	<u>796,600</u>	<u>993,000</u>
Subtotal	\$3,926,900	\$4,200,300	\$4,396,700
Closing Balance	\$939,200	\$926,900	\$718,200

31. Table 10 reflects the fund condition for Part B of the crime victim and witness assistance surcharge if the Committee adopted these modifications to the provisions of AB 75. The closing balance for Part B under these modifications would decrease from \$1,446,100 PR at the end of 2008-09, to \$660,500 PR at the end of 2010-11. [Alternative 3]

TABLE 10

Part B Fund Condition Deleting Part B Surcharge Increase and Providing Increased Funding for Crime Victim Compensation -- Sexual Assault Victim Services Grant Funding

	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>
Opening Balance	\$1,858,900	\$1,446,100	\$1,053,300
Revenue			
Part B	\$1,587,200	\$1,587,200	\$1,587,200
Expenditures			
Sexual Assault Victim Services	\$2,000,000	\$1,980,000	\$1,980,000
Closing Balance	\$1,446,100	\$1,053,300	\$660,500

ALTERNATIVES

1. Approve the Governor's recommendations to make the following changes: (a)

provide \$515,700 PR in 2009-10, and \$1,108,800 PR in 2010-11, to increase the amounts available to reimburse counties for up to 90% of their victim and witness assistance program costs; (b) provide \$312,700 PR in 2009-10, and \$509,100 PR in 2010-11, to increase the amounts available to compensate crime victims; (c) reduce funding to reimburse counties for their victim and witness assistance program costs by \$34,400 PR annually as part of an across-the-board 1% reduction in most non-federal appropriations; (d) delete \$20,000 PR annually in sexual assault victim services grant funding as part of an across-the-board 1% reduction in most non-federal appropriations; (e) reduce funding for crime victim compensation by \$4,900 PR annually as part of an across-the-board 1% reduction in most non-federal appropriations; (f) increase Part B of the crime victim and witness assistance surcharge from \$20 under current law, to \$25; (g) provide that 80% of Part B revenues, instead of 100% under current law, be allocated for grants for sexual assault victim services; and (h) provide that the remaining 20% of Part B revenues be deposited to the crime victim and witness assistance surcharge, general services appropriation to fund county reimbursements and crime victim compensation awards. Estimate revenues from an increased Part B crime victim and witness assistance surcharge at \$99,200 PR in 2009-10, and at \$198,400 PR in 2010-11.

ALT 1	Change to Bill	
	Revenue	
PR-REV	\$197,600	

2. In addition to Alternative 1: (a) increase Part B of the crime victim and witness assistance surcharge by an additional \$2, to \$27; (b) provide that 74% of Part B revenues, instead of 100% under current law, be allocated for grants for sexual assault victim services; and (c) provide that the remaining 26% of Part B revenues be deposited to the crime victim and witness assistance surcharge, general services appropriation to fund county reimbursements and crime victim compensation awards. Estimate revenue from an additional \$2 increase to Part B at \$39,700 PR in 2009-10, and \$79,400 PR in 2010-11.

ALT 2	Change to Bill	
	Revenue	
PR-REV	\$119,100	

3. In addition to Alternative 1: (a) delete \$515,700 PR in 2009-10, and \$1,108,800 PR in 2010-11, which would have increased the amounts available to reimburse counties for up to 90% of their victim and witness assistance program costs; (b) delete the increase to Part B of the crime victim and witness assistance surcharge (as a result, the surcharge would remain at the current law \$20 level); and (c) maintain current law and provide that 100% of Part B revenues be allocated for grants for sexual assault victim services.

ALT 3	Change to Bill	
	Revenue	Funding
PR	-\$297,600	-\$1,624,500

4. Delete provisions.

ALT 4	Change to Bill	
	Revenue	Funding
PR	-\$297,600	-\$2,327,700

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