

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**CORRECTED  
FISCAL NOTE**

**HB 1442 – SB 2505**

January 29, 2016

**SUMMARY OF BILL:** Requires compensation awarded as attorney fees under the Criminal Injuries Compensation Act to be paid to the court appointed special advocates program when a claim is filed or assisted by an employee or volunteer of such program on behalf of a claimant.

**ESTIMATED FISCAL IMPACT:**

On January 13, 2016 a fiscal note was issued with the following fiscal impact:

*Increase State Expenditures - \$21,300/Criminal Injuries Compensation Fund*

*Other Fiscal Impact – To the extent the state receives approval for reimbursement through the federal Victims of Crime Act Grant; the recurring increase in federal expenditures and the recurring increase in state revenue allocated to the Criminal Injuries Compensation Fund would be approximately \$12,800.*

The estimated fiscal impact has been updated to include information regarding the balance of the Criminal Injuries Compensation Fund. This estimated fiscal impact is:

**(CORRECTED)**

**Increase State Expenditures - \$21,300/Criminal Injuries Compensation Fund**

**Other Fiscal Impact – To the extent the state receives approval for reimbursement through the federal Victims of Crime Act Grant; the recurring increase in federal expenditures and the recurring increase in state revenue allocated to the Criminal Injuries Compensation Fund would be approximately \$12,800.**

**The balance of the Criminal Injuries Compensation as of June 30, 2015 was \$9,165,224.**

Corrected Assumptions:

- According to the Department of Treasury (Treasury), total revenue from fines, fees, the federal government, and interest, to the Criminal Injuries Compensation Fund in FY14-15 was \$13,163,795, compared to expenditures of \$12,725,702, resulting in gross gain

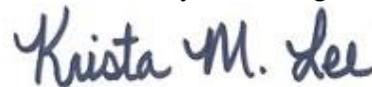
**HB 1442 – SB 2505 (CORRECTED)**

of \$438,093. A total of \$253,331 was transferred to the General Fund for the District Attorney General's Grant. Therefore, the net increase to the Fund in FY14-15 was \$184,762 (\$438,093 - \$253,331). The balance of the fund as of June 30, 2015 was \$9,165,224.

- The Criminal Injuries Compensation Program, under Treasury, will be required to pay employees or volunteers for court-appointed special advocates' (CASA) program attorney's fees.
- According to Treasury, CASAs are generally used for claims involving sexually abused children. There were 496 of these claims approved in FY14-15, with an average attorney fee of \$425.
- Treasury estimates that 10 percent of advocate assistance is attributable to CASA activity.
- Approximately 50 advocates would receive fees annually (496 claims x 10%).
- The recurring increase in state expenditures from the Criminal Injuries Compensation Fund is estimated to be \$21,250 (50 claims x \$425).
- Any increase in CASA activity resulting from the ability to recover attorney's fees is estimated to be not significant.
- The Criminal Injuries Compensation Fund receives reimbursement through the federal Victims of Crime Act Grant in the amount of 60 percent of certified state expenditures. Under current terms, the state receives reimbursement for attorney's fees. Treasury is uncertain as to whether federal grant funding would be approved for non-attorneys under the attorney's fees reimbursement allowance contained in the grant. If awarded by the federal government, the recurring increase in federal expenditures and the recurring increase in state revenue to the Criminal Injuries Compensation Fund would be approximately \$12,750 (\$21,250 x 60%).

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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