

An hourglass-shaped graphic with a globe in the top bulb and another globe in the bottom bulb. The hourglass is light blue and has a dark blue top and bottom. The globe in the top bulb is dark blue, and the globe in the bottom bulb is light blue. The hourglass is centered on the page.

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Report RL32579

*Victims of Crime Compensation and Assistance: Background
and Funding*

Celinda Franco, Domestic Social Policy Division

January 24, 2008

Abstract. All 50 states and several territories have passed some form of legislation to benefit victims of crime. Every state administers a crime victim compensation program. This report provides background and funding information on the CVF and VOCA.

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Victims of Crime Compensation and Assistance: Background and Funding

Celinda Franco
Specialist in Crime Policy

January 24, 2008

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Summary

The Crime Victims Fund (CVF or “Fund”) was established in the U.S. Treasury in 1984 (P.L. 98-473) by the Victims of Crime Act (VOCA) to provide funding to state victim compensation and assistance programs. VOCA was amended in 1988 (P.L. 100-690) to, among other things, establish the Office for Victims of Crime (OVC) to administer the Fund. The OVC awards formula grants to states in accordance with the VOCA. The OVC is also authorized by the VOCA to distribute Fund money to award discretionary grants to states, local units of government, individuals, and other entities. Specially designated programs, such as the child abuse program and a victim notification system, are also awarded money from the Fund through the OVC. The OVC is part of the Department of Justice (DOJ) Office of Justice Programs.

The VOCA was amended in 1996, 2000, and 2001 to provide assistance to victims of terrorism who are nationals of the United States or officers or employees of the United States government, who are injured or killed as a result of a terrorist act outside the United States. Also included in these amendments are provisions for compensation and assistance to victims of terrorism within the United States. The USA PATRIOT Act authorized the Director of the OVC to set aside \$50 million of Fund money, as an antiterrorism emergency reserve to respond to the victims of 9/11 and, subsequently, to replenish any amounts expended so that not more than \$50 million is reserved in any fiscal year. In addition, the OVC received a one-time \$68.1 million in the FY2002 Department of Defense Appropriations Act to assist in its work of providing relief to 9/11 victims.

Deposits to the Crime Victims Fund come from criminal fines, forfeited bail bonds, penalties and special assessments collected by the U.S. Attorneys’ Offices, federal U.S. courts, and the Federal Bureau of Prisons. Since FY2002, Congress has allowed gifts, bequests, or donations from private entities, to be deposited to the Fund. When the Fund was authorized in 1984, a cap was placed on how much could be deposited annually for the first eight years; the cap was lifted in FY1994 and reinstated in FY2000. For FY2008, Congress included a \$590 million cap for VOCA grants in the Consolidated Appropriations Act, 2008 (P.L. 110-161). In recent years, the President’s budget requests have included a proposal to rescind or establish a “permanent reduction” of unobligated CVF balances. These CVF balances are often referred to as the “rainy day” or VOCA program’s emergency fund. The President’s FY2008 budget request proposed a permanent reduction of CVF balances of approximately \$1.322 billion. As in previous years, Congress rejected this proposal.

All 50 states and several territories have passed some form of legislation to benefit victims of crime. Every state administers a crime victim compensation program. This report provides background and funding information on the CVF and VOCA, and it will be updated to reflect any major program changes.

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Background

The Crime Victims Fund (CVF or “Fund”) was established in the U.S. Treasury in 1984¹ by the Victims of Crime Act (VOCA)² to provide a dedicated source of funds for state victim compensation and assistance programs. VOCA was amended in 1988³ to, among other things, establish the Office for Victims of Crime (OVC) to administer the Fund. The OVC awards formula grants to states in accordance with the VOCA. The OVC is also authorized by the VOCA to distribute Fund money to award discretionary grants to states, local units of government, individuals and other entities. Specially designated programs such as the child abuse program, a victim notification system, and others as listed below, are also awarded money from the Fund through the OVC. The OVC is part of the Department of Justice (DOJ) Office of Justice Programs (OJP).

The VOCA was amended in 1996, 2000, and 2001⁴ to provide assistance to victims of terrorism who are nationals of the United States or officers or employees of the United States government, who are injured or killed as a result of a terrorist act outside the United States. Also included in these amendments are provisions providing compensation and assistance to victims of terrorism within the United States.

The OVC’s mission is to enhance the nation’s capacity to assist crime victims and help to improve attitudes, policies, and practices that promote justice and help victims. According to the Department of Justice FY2007 Budget Justifications, proposed OVC activities for FY2007 will include (1) providing assistance to federal law enforcement personnel, investigators, prosecutors, and other professionals who work on behalf of victims of federal crime; (2) continuing to provide direct federal support to crime victims through the Executive Office of United States Attorneys, the Federal Bureau of Investigation (FBI); and (3) enhancing the nation’s capacity to assist victims by funding the development of national training, technical assistance, and demonstration projects that promote practices that best meet crime victims’ needs.

Crime Victims Fund

The Fund, as established, does not receive appropriated funding.⁵ Deposits to the Fund come from criminal fines, forfeited bail bonds, penalties, and special assessments collected by the U.S. Attorneys’ Offices, federal U.S. courts and the Federal Bureau of Prisons.⁶ In 2001, the USA PATRIOT Act as signed into law, provided that gifts, bequests, or donations from private entities could be deposited to the Fund.

¹ P.L. 98-473, 98 Stat. 2170.

² VOCA is codified at 42 U.S.C. §10601 et seq.

³ P.L. 100-690, 102 Stat. 4420.

⁴ P.L. 104-132, 110 Stat. 1243 (1996); P.L. 106-386, 114 Stat. 1543 (2000); P.L. 107-56, USA PATRIOT Act, 115 Stat. 370 (2001).

⁵ After 9/11 a one time appropriation of \$68.1 million, in the FY2002 Department of Defense Appropriations Act, was passed to assist in providing relief to 9/11 victims. For more information on federal, state, and private relief for victims of 9/11, see CRS Report RL31716, *Homeland Security: 9/11 Victim Relief Funds*, by Celinda Franco.

⁶ See 42 U.S.C. §10601.

Caps

When the CVF was authorized in 1984, a cap was placed on how much money could be deposited for the first eight years (FY1985 through FY1993). Congress lifted the cap for FY1994 through FY1999. Beginning in FY2000, Congress reinstated annual caps to “protect against wide fluctuations in receipts into the Fund, and to ensure that a stable level of funding will remain available for these programs in future years.”⁷ See **Table 1**, below, for CVF caps from FY2002 through the President’s FY2008 budget request.

“Rainy Day” Fund

The Crime Victims Fund (42 U.S.C. 10601) requires that all sums deposited in any fiscal year that are not obligated by Congress must remain in the Fund for obligation in future fiscal years, without fiscal year limitation. Currently, the funding for the current year’s grants are provided by the previous year’s collections deposited in the Fund. The capped amount is the amount that OVC can award grants in a given year. In years where the receipts from the previous year are not sufficient to reach the congressionally set cap for a fiscal year, the additional amounts are made up from the amount credited to the CVF emergency fund, otherwise referred to as the “rainy day” fund. If collections in a previous year exceed the cap, then amounts over the cap are credited to the “rainy day” fund for future program benefits. For example, in FY2000, the first year the congressionally set cap was reinstated, funding for the year was capped at \$500 million for VOCA grants despite the fact that collections were \$985 million in FY1999. The collections over the cap were credited to the CVF for future use.

Table 1 provides the amounts of receipts, amounts available for VOCA grants, and the balances available at the end of each year in the CVF, or “rainy day” fund. Since FY2000, when the cap was reinstated by Congress, there has been considerable fluctuation in the amounts collected while the congressionally set cap has increased in most years. It is important to note that there has been significant variation in collections, and that since the funding cap was reinstated, the “rainy day” fund has been tapped for funds in three years and added to the CVF balances in three years.

Table 1. Crime Victims Fund, 1986-2008

(\$ in millions)

Fiscal Year	Amounts Collected in Previous Fiscal Year	Enacted Cap on Amounts Available for VOCA Grants ^a	Total End-of Year CVF or “Rainy Day” Fund Balance
1986	\$68.3	\$100	\$68.3
1987	62.5	110	62.5
1988	77.4	110	77.4
1989	93.6	110	93.6
1990	133.5	125	125
1991	146.2	125	125

⁷ H.Rept. 106-479 for the FY2000 Appropriations for the District of Columbia and for Other Activities, Section 620.

Fiscal Year	Amounts Collected in Previous Fiscal Year	Enacted Cap on Amounts Available for VOCA Grants ^a	Total End-of-Year CVF or "Rainy Day" Fund Balance
1992	128	150	128
1993	221.6	150	150
1994	144.7	0	144.7
1995	185.1	0	185.1
1996	233.9	0	233.9
1997	528.9	0	528.9
1998	362.9	0	362.9
1999	324	0	1,023.6
2000	985.2	500	1,321.2
2001	777	537.5	1,334.6
2002	544.4	550	1,331.8
2003	519.5	600	1,093.3
2004	361.3	621.3	1,305.1
2005	833.7	620	1,307
2006	650	625	1,957
2007 ^b	611	625	1,944
2008 ^b	611	590 ^c	1,963

Source: U.S. Department of Justice, Office of Justice Programs, Office of Communications.

- a. Amounts do not include set-asides for specified programs.
- b. Estimated receipts and end-of-year balances from the FY2008 President's budget request.
- c. Enacted CVF cap, P.L. 110-161.

The President's FY2008 budget proposed a cap of \$625 million for the CVF. The President's FY2008 budget request also included a proposal to permanently cancel and transfer to the U.S. Treasury any unobligated balances remaining in the CVF, estimated to be \$1.338 billion. In the Consolidated Omnibus Appropriations Act, 2008, P.L. 110-161, Congress set the CVF cap for FY2008 at \$590 million. However, Congress did not enact the Administration's proposal to cancel and transfer the unobligated balances in the CVF.

Distribution of the Crime Victims Fund

Child Abuse Program

According to the FY2007 DOJ Budget Justifications, up to \$20 million must be used annually to improve the investigation, handling, and prosecution of child abuse cases. The money is divided between the U.S. Department of Health and Human Services (up to \$17 million (85%)) and the OVC, (up to \$3 million (15%)). In FY2008, the OVC is expected to provide approximately \$20 million to support the programs as designated above.

Executive Office of United States Attorneys (EOUSA) Positions

The OVC provides annual funding to support victim-witness coordinators and victim advocates within each of the 93 U.S. Attorney's Offices to provide direct services to victims of crime. The OVC provided \$14.768 million in FY2005, \$21.955 million in FY2006, and an estimated \$22.6 million for FY2007. For FY2008, funding for this purpose is also estimated to be \$22.6 million.

Federal Bureau of Investigation (FBI) Positions

The OVC provides annual funding to support victim specialist positions within the 56 FBI field offices to provide direct services to victims of crime. It is the FBI's victim assistance specialists who keep victims of federal crimes informed of case developments. The OVC provided \$7.946 million in FY2005, \$8.747 million in FY2006, and \$13.054 million for FY2007. The President's budget estimates that funding for this purpose will be approximately \$13.054 million in FY2008.

The CVF provides financial support to assist federal crime victims; coordinate federal, military, and tribal agency responses to all crime victims; and monitor federal compliance with the Victim and Witness Protection Act of 1982 and the Attorney General's Guidelines on victim and witness assistance. Financial support is provided for victim specialist positions, victim-witness coordinators, and victim advocates within each of the 93 Executive Offices of United States Attorneys (EOUSA), the 56 FBI field offices, the FBI's 25 largest Resident Agencies, and for 31 positions across Indian country, for direct services to victims of crime.

The Victim Notification System (VNS)

The OVC provides annual funding to support the VNS, that is administered by EOUSA. VNS is the vehicle that allows victims to be notified, through an automated system, of major case events relating to the offender, from the time a case is opened, through indictment, subsequent prosecution, and to incarceration of the defendant. The OVC provided \$5.142 million for VNS in FY2004, \$4.960 million in FY2005, \$5.335 million in FY2006, and \$5 million in FY2007. For FY2008, the Administration estimates that \$5 million will be available for this program.

Antiterrorism Emergency Reserve Fund

The Director of the OVC is authorized to set-aside up to \$50 million, in the Antiterrorism Emergency Reserve to meet the immediate and longer-term needs of terrorism and mass violence victims by providing supplemental grants to states for victim compensation and assistance and by also providing direct compensation to victims (U.S. nationals or officers or employees of the U.S. government, including Foreign Service Nationals working for the U.S. government) of terrorism occurring abroad.

After these five specified programs are funded, remaining funds are distributed as follows: Victim Compensation Formula Grants, 47.5%; Victim Assistance Formula Grants, 47.5%; and Victim Discretionary Grants, 5%.

Victim Compensation Formula Grants Program

Of the remaining CVF funds available (after the above listed efforts are funded), 47.5% are for grant awards to state crime victims compensation programs.⁸ Currently, all 50 states, the District of Columbia, the U.S. Virgin Islands, Puerto Rico, and Guam have victim compensation programs (see below for further descriptions of state programs). The OVC awards each state (or territory) 60% of the total amount the state paid to victims from state funding sources, two years prior to the year of the federal grant award. Compensation formula grants may be used to reimburse crime victims for out-of-pocket expenses such as medical and mental health counseling expenses, lost wages, funeral and burial costs, and other costs (except property loss) authorized in a state's compensation statute. Victims are reimbursed for state-qualified crime-related expenses that are not covered by other resources, such as private insurance.

Prior to receiving a formula grant, a state compensation program must meet the following requirements: (1) promote victim cooperation with the reasonable requests of law enforcement authorities; (2) certify that grants received will not be used to supplant state funds; (3) insure that non-resident victims receive compensation awards on the same basis as victims residing within the state; (4) insure that compensation provided to victims of federal crimes is given on the same basis as the compensation given to the victims of state crime; and (5) provide compensation to residents of the state who are victims of crimes occurring outside the state.

In FY2003,⁹ approximately 171,912 claims were approved under the states' and territories' victim compensation programs, with an average payout of \$2,500 each.¹⁰ The total payout amount was \$227.4 million, and the total number of paid claims was 73,280. These benefits generally went to cover medical and dental expenses incurred as a result of an assault. Under the assault category, 84% of paid claims were domestic violence-related claims. The majority of VOCA compensation claimants were adult victims between the ages of 18-64; 31% of claims were for youth ages 17 and under; 4% were elderly victims age 65 and older. In FY2004, 170,739 were approved, with an average payout of just over \$2,400 per claim. For FY2004, victim compensation programs paid out approximately \$235.1 million in claims to victims. As in FY2003, in FY2004 domestic violence-related claims were the highest, although they dropped slightly to 83%. The age distribution of claimants was largely the same as in the previous fiscal year.¹¹

In FY2005, approximately 158,588 claims were approved by states' and territories' victim compensation programs.¹² The total number of claims paid for the year numbered 147,118, which amounted to almost \$416.8 million in claims paid. For FY2006, 164,995 claims were approved, while 142,195 claims were paid totaling more than \$421.6 million.¹³

⁸ See 42 U.S.C. §10601 (d)(4).

⁹ U.S. DOJ, OJP, OVC, *Report to the Nation*, 2005, NCJ 209117, p. 6.

¹⁰ The most recent program figures available are reported in the *OVC Report to the Nation*, 2005, and reflect the most current information, as of February 18, 2005. Victim Assistance grants are active for four years, so, for example, FY2003 grants do not close until FY2007, and FY2004 grants do not close until FY2008. OVC reports are published biennially.

¹¹ Ibid.

¹² U.S. Department of Justice, OJP, OVC, Nationwide Analysis, State Compensation Program, *2005 Victims of Crime Act of 1984 Performance Report*, September 30, 2005, at http://www.ojp.usdoj.gov/ovc/fund/vocanpr_vc05.html.

¹³ U.S. Department of Justice, OJP, OVC, Nationwide Analysis, State Compensation Program, *2006 Victims of Crime Act of 1984 Performance Report*, September 30, 2006, at http://www.ojp.usdoj.gov/ovc/fund/vocanpr_vc06.html.

Victim Assistance Formula Grants Program

Of the funds available, after the five designated efforts are funded, 47.5% is designated for state agencies selected by governors to administer federal funds for state and community-based victim *service* program operations.¹⁴ Each state, the District of Columbia, the U.S. Virgin Islands, and Puerto Rico receive a base amount of \$500,000 each year. The territories of the Northern Mariana Islands, Guam, and American Samoa each receive a base amount of \$200,000 annually. The remaining funds are distributed based on U.S. census population data. States and territories receiving these funds are required to give priority consideration to victims of domestic violence, sexual assault, and child abuse, and to under-served victims. The states and territories receiving these funds are required to spend a minimum of 10% of their awards in each of the listed priority areas. The Victim Assistance Formula Grants Program supports direct services to crime victims including information and referral services, crisis counseling, temporary housing, criminal justice advocacy support, and other assistance needs. States may not use federal funds to supplant state and local funds otherwise available for crime victim assistance. Up to 5% of the annual award may be used for administrative purposes.

For FY2003, VOCA Victim Assistance totaled \$353 million; for FY2004, it totaled \$355 million. VOCA Victim Assistance increased from \$361.4 in FY2005 to \$395.9 million in FY2006. During FY2003, VOCA-funded agencies provided more than 16 million services to an estimated 3.8 million victims, of which 49% were domestic violence victims. In FY2004, more than 17.8 million services were provided to more than 4 million victims, 47.3% of whom were victims of domestic violence.

For FY2005, Victim Assistance project allocations totaled almost \$446.5 million; for FY2006, they totaled \$389.3 million. VOCA-funded agencies provided services for more than 3.8 million victims in FY2005 and FY2006, of which more than 47% were victims of domestic violence in both fiscal years.¹⁵

Discretionary Grants/Activities

The OVC is authorized to make 5% of remaining funds available for *discretionary* activities.¹⁶ At least half of this amount must be allocated for national training and technical assistance and demonstration and evaluation projects. Examples of discretionary program activities include:

- *Providing Victim Assistance in Rural Prosecutors' Offices: Challenges and Strategies*—OVC awarded \$100,000 to the American Prosecutors Research Institute (APRI) to explore the state of victim/witness assistance in rural prosecutors' offices, the challenges these offices face in trying to meet the needs of rural victims, and promising strategies for overcoming these challenges. APRI has identified innovative practices employed by rural prosecutors to improve services to crime victims and developed a guidebook providing prosecutors and prosecutor-based victim/witness advocates with practical information to help

¹⁴ See 42 U.S.C. §10601 (d)(4).

¹⁵ U.S. DOJ, OJP, OVC, *2005 Victims of Crime Act of 1984 Performance Report*, September 30, 2005, at http://www.ojp.usdoj.gov/ovc/fund/vocanpr_vc05.html; U.S. DOJ, OJP, OVC, *2006 Victims of Crime Act of 1984 Performance Report*, September 30, 2006, at http://www.ojp.usdoj.gov/ovc/fund/vocanpr_vc06.html.

¹⁶ See 42 U.S.C. §10601 (d)(4).

them better serve rural crime victims, aid victims in their recovery, protect victims' rights, and ensure their proper treatment in the criminal justice system.

- *Victim-Oriented Policing*—OVC awarded \$1.4 million for FY2003-FY2005 to the International Association of Chiefs of Police for planning a multi-year project to design and implement a national strategy to create systemic change among law enforcement agencies to recognize victim services as an integral part of daily department life and to conduct police training in trauma, sensitivity during evidence collection, and a general awareness of the problems that victims of crime experience;
- *National Center for Victims of Crime (NCVC)*—Another multi-year project is receiving funding for the development of “Victim Law” a comprehensive online database of federal, state, and tribal victims' rights statutes and codes, and relevant case law.

In addition to funding the example programs listed above, the OVC funds multiple programs to address services and advocacy for victims of crime with disabilities. The OVC also supports several collaborative projects designed to improve the response of faith-based practitioners to victims of crime. It is hoped that these initiatives will help communities create services through their faith-based organizations, network with secular victim service programs and train providers and members of the faith community to meet the needs of victims. Further examples of OVC support include a judicial training project and a campus security project.

OVC awarded \$28.2 million for *discretionary* program activities in FY2003 and \$31.5 million in FY2004. For FY2005, \$29.9 million went to fund discretionary grants; \$29.6 million in funding was available in FY2006. It is estimated that \$28.9 million will be available to fund discretionary grants in FY2007.

Office for Victims of Crime Activities to Assist Victims of 9/11

When 9/11 occurred, the OVC had a mechanism in place, through previous legislation,¹⁷ to respond to the victims of these terrorist attacks. Since OVC had statutory authority and experience¹⁸ in working with communities responding to incidents of terrorism and mass violence, the OVC was selected to administer funds and programs to assist the victims of 9/11. The USA PATRIOT Act¹⁹ authorized the Director of the OVC to set aside \$50 million of Fund money, as an antiterrorism emergency reserve to respond to the victims of 9/11, and subsequently, to replenish any amounts expended so that not more than \$50 million is reserved in any fiscal year for any future victims of terrorism. In addition, the OVC received a one-time \$68.1 million

¹⁷ See P.L. 98-473, 98 Stat. 2170; P.L. 104-132, Antiterrorism and Effective Death Penalty Act of 1996, 110 Stat. 1243; P.L. 106-386, §2003 Aid for Victims of Terrorism, 114 Stat. 1543. These provisions and more codified at 42 U.S.C. §10601 et seq., Victims of Crime Act.

¹⁸ OVC had funded and coordinated victim assistance services for the Pan Am Flight 103 bombing over Lockerbie, Scotland (1988); the Alfred P. Murrah Federal Building bombing in Oklahoma City (1995); the Khobar Towers bombing in Dhahran, Saudi Arabia (1996); the U.S. Embassy bombings in East Africa (1998); and the U.S.S. Cole bombing in the port of Aden, Yemen (2002).

¹⁹ P.L. 107-56, 115 Stat. 371(codified at 42 U.S.C. §10601 (d)(5)).

in the FY2002 Department of Defense Appropriations Act²⁰ to assist in its work of providing relief to 9/11 victims.²¹

Using the funds available in the Antiterrorism Emergency Reserve, the OVC awarded, in less than two weeks from the attack, \$3.1 million in victim assistance funding and \$13.5 million in victim compensation funding to the state of New York and the Commonwealths of Virginia and Pennsylvania.²² These funds were used by the states to coordinate and provide emergency assistance to the victims in the form of crisis counseling and other direct services, and to offset out-of-pocket expenses for medical, mental health, funeral, and lost wages. At the same time, OVC staff worked to identify the short and long term needs of these victims and related costs, as well as to coordinate its efforts with other federal agencies such as the Federal Emergency Management Agency (FEMA). Within 24 hours, OVC set up a Call Center that offered a 24-hour, toll-free telephone line for collecting information in a database on victims from family members and providing referrals for financial, housing, and counseling assistance. Approximately 37,000 victims and family members received assistance and referrals through the Call Center. The OVC also established a Victim and Family Travel Assistance Center at a cost of \$751,572, which handled all logistical arrangements and paid travel and lodging costs for 1,800 family members traveling to funerals and memorial services. The OVC also designed and operated a special “Hope and Remembrance” website to provide victims with answers to frequently asked questions, official messages from U.S. government sources, news releases, etc.²³

Recent Legislative Action

During the 109th Congress, the reauthorization of the Department of Justice programs, H.R. 3402, the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162), enacted on December 17, 2005, and signed into law on January 5, 2006, included amendments to VOCA. These amendments in would—

- permit grants of up to \$10,000 each to be made to nonprofit neighborhood and community-based victim service organizations and coalitions for assisting crime victims;
- clarify that the Director of OVC is authorized to receive and deposit into the CVF gifts, bequests, or donations, as long as there are no attached conditions that would be inconsistent with applicable laws or regulations, or that would require expenditures of appropriated funds not available to the OVC;
- permit the Attorney General to use 5% of available funds for grants to Indian tribes to establish child victim assistance programs; and
- require OVC to submit a program report no later than one month after the end of each even-numbered fiscal year.

²⁰ P.L. 107-117, 115 Stat. 2294.

²¹ P.L. 107-56, 115 Stat. 371.

²² U.S. Department of Justice, Office for Victims of Crime, *Meeting the Needs of the Victims of the September 11th Terrorist Attacks*, Department of Defense Appropriations Act of 2002, Report to Congress, April 2003.

²³ For further information on federal, state, and private relief for victims of 9/11, see CRS Report RL31716, *Homeland Security: 9/11 Victim Relief Funds*, by Celinda Franco.

Legislative Activity in the 110th Congress

During the 110th Congress, legislation has been introduced to amend the VOCA. H.R. 2878, introduced on June 27, 2007, by Representative Davis, and S. 1729, introduced on June 28, 2007, by Senator Leahy, would amend VOCA to provide incentives for the prompt payments of debts owed to the United States and the victims of crime through the imposition of surcharges on unpaid judgements from federal civil and criminal prosecutions, among other things. H.R. 2941, introduced on June 28, 2007, by Representative Poe, would prohibit the receipts and disbursements of the Crime Victims Fund from being counted as new budget authority, outlays, receipts, or deficit or surplus for federal or congressional budgetary purposes. The bill would establish “lock-box” protections for funds designated to remaining credited to the CVF for future obligation. The bill would further require a 60-vote (three-fifths) margin in the Senate to override the bill’s restrictions on the use of CVF funds for purposes other than those authorized under VOCA. No further congressional action has been taken on these bills.

State Legislative Actions Concerning Victims of Crime

Background

As mentioned previously in this report, the OVC awards grants to states in accordance with the VOCA. In order to qualify for these funds, all 50 states have passed some form of legislation to benefit victims of crime.²⁴ As of 2000, 33 states have recognized the fundamental rights for crime victims by raising these protections to the state constitutional level. The strength of enforcement within the 50 states varies. However, every state administers a crime victim compensation program that provides financial assistance to victims of both federal and state crimes. Most state programs have similar eligibility requirements and offer a comparable range of benefits. Maximum awards generally range from \$10,000 to \$25,000. The typical compensation program requires victims to report crimes to law enforcement within three days of the offense and to file claims within a fixed period of time (usually two years). Most states can extend these time limits for good cause. If other financial resources such as private health and property insurance are available to the victim, the program pays only to the extent these resources do not cover the loss.

In addition to victim compensation funding, all the states and several territories provide some victim assistance services such as crisis intervention, emergency shelter, emergency transportation, counseling and criminal justice advocacy. As noted above, VOCA awards are made annually, by states to organizations, to provide these and other services to victims of crime. VOCA assistance funds may be used only for direct services to crime victims. Most funding is awarded on a competitive basis.

VOCA also authorizes the OVC to award discretionary funds to improve the skills, knowledge and abilities of victim service providers. In addition to the national training and technical

²⁴ U.S. Department of Justice, Office of Justice Program, “State Legislative Approaches to Funding for Victims’ Services,” Legal Series Bulletin no. 9, see <http://www.ojp.usdoj.gov/ovc/publications/bulletins/legalseries/bulletin9/welcome.html>.

assistance described above, VOCA funds support services for federal crime victims such as developing materials that inform federal crime victims of their rights and the services available, programs that establish new, and expand existing services for federal crime victims and programs that train federal criminal justice system personnel on victims' issues.²⁵

State Approaches to Funding for Victims Services

Although federal grant programs are key in the funding for crime victim assistance, state-level support can play an important role. There are several methods used by the 50 states to help fund victim programs:

Offender-Based Funding

The level of "offender surcharges" varies within states. Some states impose a low fee on all offenders, including most traffic offenders. For example, Virginia imposes a \$3 fee on all traffic and misdemeanor offenders and some felony drug offenders. These funds are then deposited into Virginia's victim-witness fund and used to implement victims rights. Virginia brings in \$3.8 million annually using this method. Texas imposes a \$45 penalty for a felony, \$35 for class A and B misdemeanors and a \$15 fee for Class C misdemeanors. Using these fees, Texas raised nearly \$69 million, in 1999, for the Texas Crime Victims' Compensation Fund and more than \$16 million was appropriated for crime victim services. In addition, some states raise money by setting specific assessments for offenders of particular types of crime (e.g., child pornography, other offenses against children, domestic violence, sex offenses, pimping or soliciting a prostitute and crimes against the elderly or disabled). Other states impose costs on offenders placed on probation or other forms of supervised release, whereas other states withhold a percentage of an inmates earnings that then go to fund victim assistance.

Funding Through Fees

Many states have imposed nonoffender-based fees for certain services, which are used to fund crime victim programs (e.g., adding a surcharge when issuing a marriage license or filing for a divorce and using the money to fund domestic violence, child abuse prevention, rape prevention or a general victim/witness assistance program). Several states have attached fees for issuing birth certificates and deposit those funds to a Children's Trust Fund or to fund child abuse and prevention programs.

State-Facilitated Funding by Private Citizens

Some states place a voluntary income tax checkoff box on tax forms that designate payment to crime victim programs. A few states use this method to fund domestic violence programs or sexual assault. Another way to raise money to support children's programs is through the sale of special license plates. Also, a few states have passed laws allowing jurors to donate their fees to crime victim-related programs such as a child welfare service fund or a fund for domestic violence programs.

²⁵ See <http://www.ojp.usdoj.gov/ovc/help/links.htm> for VOCA funding information to individual states and the several territories.

Miscellaneous Approaches

Some states give county boards special taxing authority, after submitting a resolution to the voters at a general election, to create Children's Advocacy Centers (Illinois) or to provide grant money for crime assistance programs (Ohio). Connecticut sells urban action bonds to fund centers for the elderly, shelters for domestic violence victims, and emergency shelters. Washington imposes a \$1-per-gallon tax on the syrup used to make soft drinks and in Florida there is an option for counties to adopt a tax on food, beverages, or alcohol to fund the construction and operation of domestic violence shelters and to help the homeless.

Author Contact Information

Celinda Franco
Specialist in Crime Policy
cfranco@crs.loc.gov, 7-7360

<http://wikileaks.org/wiki/CRS-RL32579>