

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3031

2007 HOUSE JUDICIARY

HCR 3031

2007 HOUSE STANDING COMMITTEE MINUTES

Resolution No. HCR 3031

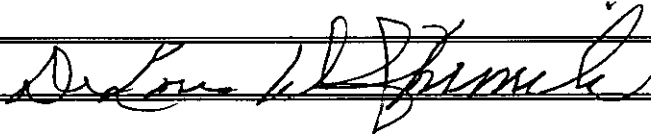
House Judiciary Committee

Check here for Conference Committee

Hearing Date: February 5, 2007

Recorder Job Number: 2754, 2755

Committee Clerk Signature



Minutes:

Chairman DeKrey: Opened the hearing on HCR 3031.

Rep. Wolf: (see attached testimony) Asked that a resolution be forwarded to the US Attorney General and each congressional delegation. Urging the US congress to reintroduce the restitution for victims of crime act and the urge the US Department of Justice to recover full restitution owed to innocent victims. The amount of debt not collected by the federal government has increased from 6 billion in 1996 to over 41 billion at the end of fiscal year 2005. Approximately 15 million dollars in criminal debt ordered by federal courts in ND remained uncollected at the end of fiscal year 2005. The government accountability office investigators found that federal criminal justice officials collected an average of only 4 cents on every dollar of criminal debt that was owed to crime victims in the years 2000-2002. US Senator Bryon Dorgan with Senator Graftly in introducing legislation in the last congress called Restitution for Victims of Crimes Act of 2006. It was introduced on June 23, 2006 to get justice department officials the tools that they have requested to do a better job of collecting court ordered federal restitution and fines. That bill includes removed many existing impediments to increase collections.

Bonnie Palecek: (see attached testimony).

Opposition: None

Hearing closed.

Chairman DeKrey: Reopened the hearing on HCR 3031.

Do Pass Motion Made By Rep. Delmore Seconded By Rep. Kingsbury

Vote: 13 Yes 0 No 1 ABSENT CARRIER: Rep.Wolf

Hearing closed.

Date: 2-5-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HR 3031

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Kingsbury

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Meyer	✓	
Rep. Charging	✓		Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller	—				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Wolf

If the vote is on an amendment, briefly indicate intent:

Consent Calendar!

REPORT OF STANDING COMMITTEE

HCR 3031: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3031 was placed on the Tenth order on the calendar.

2007 SENATE JUDICIARY

HCR 3031

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3031

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: March 13, 2007

Recorder Job Number: 4964

Committee Clerk Signature *Noira L Solberg*

Minutes: Urging Congress to introduce the Restitution for victims of Crime Act to improve the collection of federal court ordered restitution and other criminal dept.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Testimony in Favor of the resolution:

Rep. Lisa Wolf, Dist #3 introduced the bill – Att. #1

Testimony in Opposition of the resolution:

None

Testimony Neutral to the resolution:

None

Sen. Lyson made the motion to Do Pass HCR 3031 and **Sen. Nelson** seconded the motion.

All members were in favor and the motion passes.

Carrier: **Sen. Lyson**

Senator David Nething, Chairman closed the hearing.

Date: 3-13-07

Roll Call Vote # ,

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 3031

Senate _____ Judiciary _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Lyson Seconded By Sen. Nelson

Senators	Yes	No	Senators	Yes	No
Sen. Nething			Sen. Fieblger	✓	
Sen. Lyson	✓		Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 6 No 0

Absent 0

Floor Assignment Sen Lyson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 13, 2007 1:55 p.m.

Module No: SR-47-5143
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3031: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3031 was placed on the
Fourteenth order on the calendar.

2007 TESTIMONY

HCR 3031

Testimony in Support of HCR 3031 Representative Lisa Wolf

Mr. Chairman and members of the House Judiciary Committee, for the record my name is Lisa Wolf, Representative from District 3 in and around the Minot area.

I am here today to testify in support of House Concurrent Resolution 3031.

HCR3031 asks that a resolution be forwarded to the United States Attorney General and each member of the ND congressional delegation urging the US Congress to reintroduce the Restitution for Victims of Crime Act and urge the US Department of Justice to recover court-ordered restitution that is owed to innocent victims.

By law, victims of federal crimes are generally entitled to "full and timely restitution" for losses from a convicted offender. However, in recent years the amount of uncollected restitution and other federal criminal debt has spiraled upward, while the percentage of that debt ultimately recovered for crime victims has plummeted. The amount of uncollected federal criminal debt has increased from \$6 billion in 1996 to over \$41 billion by the

end of fiscal year 2005. Approximately \$15 million in criminal debt ordered by federal courts in North Dakota remained uncollected at the end of fiscal year 2005. The Government Accountability Office (GAO) investigators found that federal criminal justice officials collected an average of only \$.04 on every dollar of criminal debt that was owed to crime victims in years 2000-2002.

US Senator Byron Dorgan was joined by Senator Grassley (R-IA) in introducing legislation in the last Congress called the Restitution for Victims of Crime Act of 2006 (S. 3561), introduced on June 23, 2006, to give Justice Department officials the tools they have requested to help them do a better job of collecting court-ordered federal restitution and fines. That bill includes provisions that will remove many existing impediments to increased collections. That bill also sets up pre-conviction procedures for preserving assets to help ensure that financial assets traceable to a crime are available when a court imposes a final restitution order on behalf of a victim. These tools are similar to those already used by federal officials in some asset forfeiture cases and upheld by the courts.

The Restitution for Victims of Crime Act has been endorsed by a number of organizations concerned about the well-being of crime victims, including: The National Center for Victims of Crime, Mothers Against Drunk Driving, the National Organization for Victims Assistance (NOVA), the National Alliance to End Sexual Violence, Parents of Murdered Children, Inc., Justice Solutions, the National Network to End Domestic Violence and the National Association of VOCA Assistance Administrators (NAVAA).

United States Attorney Drew Wrigley in Fargo, North Dakota has said this legislation "represents important progress toward ensuring that victims of crime are one step closer to being made whole."

Senator Dorgan plans to reintroduce this bill early in the 110th Congress.

Thank you for your time, and I will stand for questions.

**NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES
COALITION AGAINST SEXUAL ASSAULT IN NORTH DAKOTA**

418 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Fax 255-1904 • Toll Free 1-888-255-6240 • ndcaws@ndcaws.org

Representative Duane DeKrey
Chair, House Judiciary Committee
Re: Testimony in support of HCR3031
February 5, 2007

Chair DeKrey and Members of the Committee:

I am Bonnie Palecek, speaking on behalf of the North Dakota Council on Abused Women's Services in support of HCR3031.

VOCA (Victims of Crime Act) funds are critical to helping millions of victims of all types of violent crime each year. The Fund comes from the collection of federal criminal fines, not taxpayer revenues. The U.S. Congress has repeatedly affirmed that all amounts deposited into the Fund would remain available for victim services. Nevertheless, victim advocates have had to fight the elimination of the Fund in recent years, and the federal effort necessary to collect criminal debts has waned significantly in the last several years.

In North Dakota, VOCA funds have supported victim services of all kinds (over \$1 million in 2005) as well as 60% of our Crime Victims' Compensation Fund (\$86,000 in 2005).

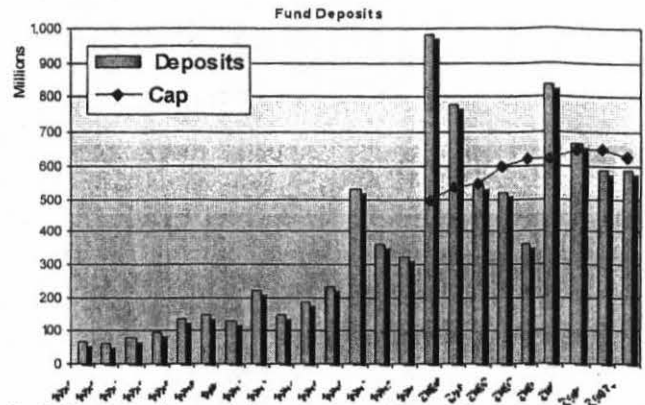
The amounts in the Fund are directly proportionate to the aggressive collection of federal criminal fines, forfeitures, and special assessments. We wholeheartedly support the intent of our Congressional delegation and this resolution to urge the U.S. Department of Justice to recover court-ordered restitution that is owed innocent victims.

Please support HCR3031. Thank you.

VOCA's Crime Victims Fund

Crime Victims Fund Deposits 1985-2005; Total = \$7.4 billion

FY	Deposits	FY	Deposits
1986	62,506,345	1996	528,941,562
1987	77,446,383	1997	362,891,434
1988	93,599,362	1998	324,540,486
1989	133,540,076	1999	985,185,354
1990	146,226,664	2000	776,954,858
1991	127,968,462	2001	544,437,015
1992	221,608,913	2002	519,466,480
1993	144,733,739	2003	361,341,967
1994	185,090,720	2004	833,695,013
1995	233,907,256	2005	668,268,054



- All deposits into CVF come from Federal criminal fines, forfeitures and special assessments – not taxpayer revenues.
- Because of annual Fund deposits, Congress started imposing limits on annual obligations since the FY 2000 to ensure stable funding in future years.
- In three years since the cap was imposed, the amounts retained in the Fund have been used to make up the difference between the previous year's deposits and the cap.

Fiscal Year	Previous Year Deposits	Cap on Obligations
2000	985,185,354	\$500,000,000
2001	776,954,858	537,500,000
2002	544,437,015	550,000,000
2003	519,466,480	600,000,000
2004	361,341,967	621,312,498*
2005	833,695,013	620,000,000*
2006	668,268,054	625,000,000

* Includes rescissions and carryovers

- The Administration itself projects that because of lower deposits, amounts kept in the Fund will be needed to meet VOCA caps on spending in FY 2006 and FY 2007.

Congress has repeatedly reaffirmed that all deposits would be retained in the Fund for future victim services:

"The conferees have taken this action [delaying annual Fund obligations] 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." [FY 2000; Conf. Rpt. 106-479]

"... all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation." [42 U.S.C. 10601(c); amended Pub. L. 106-386; Oct. 28, 2000]

"The conferees have taken this action 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." [FY 2002; Conf. Rpt 107-278]

"[The cap] is continued to ensure a stable source of funds will remain available for the program, despite inconsistent levels of criminal fines deposited annually into the fund." [FY 2005; House Rpt. 108-576]

"[The cap is continued to ensure a stable source of funds will remain available for the program, despite inconsistent levels of criminal fines deposited annually into the fund. Requested language rescinding the remaining balances in the Crime Victims Fund is not included.]" [FY 2006; House Rpt. 109-118]

HOW THE CRIME VICTIMS FUND IS DISBURSED

Funds deposited into the Crime Victims Fund are allocated according to the following statutory formula (42 U.S.C. 10601(d)):

- The first \$10 million to \$20 million is used for formula grants to states to improve the investigation and prosecution of child abuse (Children's Justice Act);
- Following that, "such sums as may be necessary" are set aside for certain Federal victim services:
 - Victim witness coordinators in U.S. Attorneys' offices;
 - Victim assistance staff in FBI offices;
 - Federal Victim Notification System (VNS).
- Of the amount remaining, after the above allocations:
 - 5% for discretionary grants administered by the Office for Victims of Crime for demonstration projects, training and technical assistance and services to victims of federal crimes.
 - 47.5% in formula grants for state crime victim compensation benefits (each state grant based upon 60% of its state-funded benefit).
 - 47.5% in formula grants to states to support direct services to victims of crime plus any amount not used for state crime victim compensation grants (each state receives a base amount plus an amount apportioned on population).
- In addition, up to 5 percent of amounts remaining in the Fund, after the above annual allocations, may be used to replenish the Antiterrorism Emergency Reserve (AER) which is available for assistance to victims of international and domestic terrorism or mass violence and compensation to international terrorism victims.
- Under the recently enacted VAWA/DOJ Reauthorization Act (Pub. L. 109-162) two new Office of Justice Program offices will be funded with up to 3 percent of DOJ formula grants; that means as much as \$32 million (or 9 percent) could be taken from VOCA state victim assistance grants.

Unless the total Fund allocation is determined at the beginning of each fiscal year, the Justice Department will be unable to calculate the grant amounts to be awarded.

Victim Assistance Programs

- Formula grants to all States and territories are based largely on population.
- 4,400 public and nonprofit agencies . . .

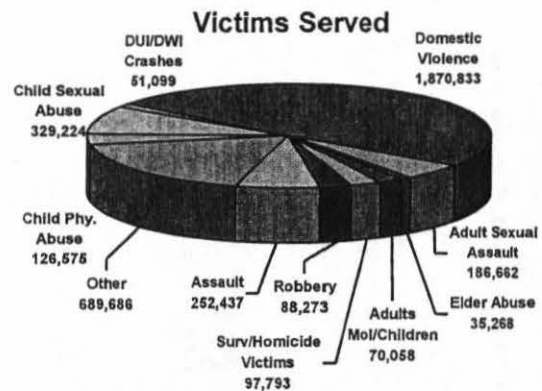
VOCA Subgrants: Agency Type	Subgrant Awards*		Award Amounts (in millions)	
	No.	%	Amount	%
Criminal Justice (Police, Prosecutors, Corrections, etc.)	1,506	28.8%	82.8	25.2%
Native American	45	0.9%	2.6	0.8%
Public, non-CJS (Hospitals, Mental Health, Social Services)	194	3.8%	12.8	3.9%
Private, Nonprofit (Domestic Violence Shelters, Rape Crisis, etc.)	3,423	66.2%	229.9	70.1%
TOTAL	5,168	100.0%	328.1	100.0%

* Some agencies receive multiple subgrant awards.
Source: 2001 OVC Subgrant Award Reporting System

- . . . provide direct victim assistance services, such as:
 - crisis intervention and counseling, support groups, therapy/treatment, information and referrals;
 - emergency shelter, hotlines, legal advocacy, emergency financial assistance;
 - support within the criminal justice system (case status/disposition information, restitution assistance);
 - personal advocacy and case management.
- . . . to 3.8 million victims of all types of crimes each year:

Victims Served: Type of Crime	No.	%
Child Physical Abuse	126,575	3.3%
Child Sexual Abuse	329,224	8.7%
DUI/DWI Crashes	51,099	1.3%
Domestic Violence	1,870,833	49.3%
Adult Sexual Assault	186,662	4.9%
Elder Abuse	35,268	0.9%
Adults Molested As Children	70,058	1.8%
Survivors of Homicide Victims	97,793	2.6%
Robbery	88,273	2.3%
Assault	252,437	6.6%
Other	689,686	18.2%
TOTAL	3,797,908	100.0%

Source: FY 2003 National Performance Report



- More than 36,000 volunteers (full time equivalent) donate their time and effort annually to provide direct services to crime victims through VOCA-funded projects.

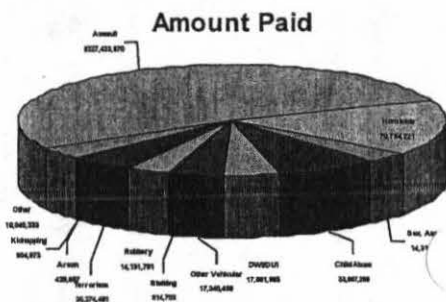
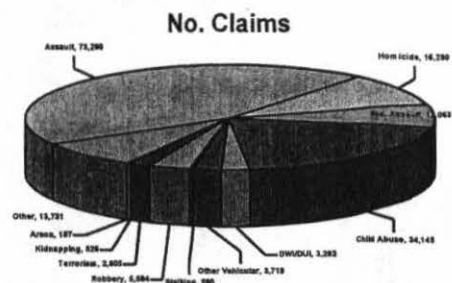
Crime Victim Compensation

- Benefits to victims of violent crimes for unreimbursed, out-of-pocket expenses directly related to the crime.
- VOCA grants based upon 60% of benefits paid with state funds.

Compensation Claims:

Type of Crime	Total No. Claims	Dom. Violence Claims*	Amount Paid (State and VOCA)
Assault	73,280	25,453	\$227,433,870
Homicide	16,290	1,373	70,754,221
Sex. Assault	12,063	778	14,311,556
Child Abuse	34,145		33,957,269
DWI/DUI	3,292		17,661,983
Other Vehicular	3,719		17,340,459
Stalking	590	289	814,703
Robbery	5,584	72	14,131,701
Terrorism	2,605		20,274,481
Kidnapping	528	116	904,973
Arson	187	13	429,667
Other	13,731	2,227	16,045,333
TOTAL	165,474	30,321	\$434,060,216

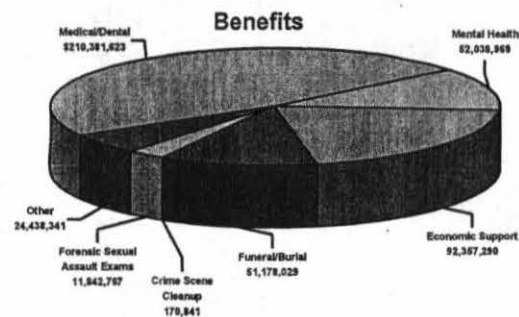
* Domestic Violence Claims included in Total No. Claims
Source: VOCA National Performance Report, 2003



Compensation Benefits:

Expense:	Amount Paid
Medical/Dental	\$210,381,623
Mental Health	52,039,969
Economic Support	92,357,290
Funeral/Burial	51,178,029
Crime Scene Cleanup	170,841
Forensic Sexual Assault Exams	11,842,767
Other	24,438,341
TOTAL	\$442,408,860

Source: VOCA National Performance Report, 2003



AH #1

3-13-07

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