

One Hundred Third Legislature - First Session - 2013

Introducer's Statement of Intent

LB233

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: February 14, 2013

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 233 makes several changes to the Crime Victims Reparations Act for the purpose of simplifying the application process, protecting the privacy of applicants, and eliminating outdated language relating to the method of payment of awards to victims.

The first change in the bill is to eliminate the financial needs test for the crime victim's reparations program, which requires applicants to prove that the damages they incurred as a result of the crime exceed ten percent of their net worth. Nebraska is the only state to have this type of financial need test on its crime victim's reparations program. Eliminating this requirement will greatly simplify the application process for victims and ensure that all crime victims are able to seek reimbursement.

This change will not jeopardize the fiscal stability of the program or result in a surge of applications due to other provisions in the act which ensure that awards are capped at \$10,000 and mandate that the CVR fund is the payor of last resort.

The second change proposed in LB 233 is to remove the requirement that the names of all victims who receive compensation under the act are published in the annual report by the Crime Victims Reparations Committee to the Legislature and Governor.

The Crime Commission produces an annual report which details the committee's actions and summarizes the number of applications, hearings, awards, and funds expended by the program. The inclusion of the names of individuals and the facts of each case in the annual is unnecessary and could potentially discourage victims from applying for compensation in order to protect their privacy.

The Crime Victims Reparations Committee will continue to provide information about specific applications to the Legislature or Governor upon request.

The final section of the bill strikes section 81-1834, an outdated statutory provision which requires the CVR committee to certify awards to the Department of Administrative Services and directs DAS to issue a warrant for payment from the fund. This statute no longer reflects current practice in which the hearing officer certifies awards and payments are processed through the Nebraska Information System.

Principal Introducer: _____

Senator Pete Pirsch