

SUBJECT: Requiring attorney general to contract for victim notification system

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 5 ayes — Peña, Riddle, Escobar, Mallory Caraway, Pierson
0 nays
4 absent — Vaught, Hodge, Moreno, Talton

WITNESSES: For — Thomas R. Seigle, Appriss, Inc.; (*Registered, but did not testify:*
Dean McWilliams, Appriss)

Against — None

On — Nancy Carrales, Office of the Attorney General

DIGEST: CSHB 3585 would require the attorney general to use a third party to operate a statewide automated victim notification system. The system would have to provide information to counties and state agencies about court proceedings related to a defendant in a victim's case and the release, transfer, or escape of such a defendant following conviction.

The system would have to allow counties and state agencies providing services to victims, guardians of victims, or close relatives of deceased victims to use the system without contracting with the third-party provider.

CSHB 3585 would not create a cause of action against the state or a state agency, official, or employee.

The bill would take effect September 1, 2007, and as soon as practicable after that date, the attorney general would have to amend any existing contract with a third party for a victim notification system so that it complied with the bill.

SUPPORTERS SAY: HB 3585 is necessary to institute a more efficient and cost-effective system for crime victims to receive notification about events in the cases. Currently, crime victims who wish to be notified about court dates or other events in their criminal cases can register with the Attorney General's

Office. Counties can voluntarily participate in the system by entering the dates that events in criminal case are scheduled, and victims are automatically notified of the events. Participating in the system is optional for counties, and currently about 145 counties use it.

However, operating the current system involves numerous steps — the attorney general must certify that a vendor is authorized to offer the service, the vendor must enter into contract with each participating county, and counties must enter into a contract with the state to receive reimbursement for vendor payments. The attorney general reimburses counties with money it is appropriated from the crime victims compensation fund.

This system results in several inefficiencies. The single vendor that operates the system must deal with more than 100 individual contracts with counties. The counties must go through the procedural steps to enter into and monitor contracts with the vendor and the attorney general. The attorney general also must deal with contracts and issue checks to the participating counties.

HB 3585 would cut many steps out of this process, resulting in increased efficiencies and cost savings. The bill would require the attorney general to enter into the contract with the vendor, which would eliminate the numerous contracts between the vendor, the attorney general, and the counties. The vendor reports that it would be able to provide the service at a lower cost if it were able to work through only one contract with the Attorney General's Office. This would result in more funds being available to crime victims and crime victim programs. The model established by the bill would be similar to one used in 28 other states.

Participation in the system would remain voluntary, and the cost of the program would continue to be paid from the crime victims compensation fund. The bill would ensure that state officials were not sued over the system by specifying that it would not create a cause of action.

CSHB 3558 would not obscure any contractual relationships. State agencies routinely provide services to other units of government, and the attorney general and counties would keep track of who was involved in the program. The attorney general would be directed to enter into the contract, so there should be no questions about its appropriateness.

CSHB 3558 would not mandate that any specific vendor be awarded the contract. Although only one vendor currently offers such a service, other vendors could compete for the contract if they developed such a service. The vendor that currently offers the service meets all federal equal employment opportunity commission requirements.

OPPONENTS
SAY:

HB 3585 is unnecessary because the current system works, and victims do not have problems receiving notifications.

It is unclear that CSHB 3585 would result in a more efficient system. Because it is the counties — not the attorney general — that would receive the services from the vendor, it might be necessary and appropriate for the counties to continue to have some type of contract or relationship with the vendor. In many ways, the current system is preferable because it accurately reflects the flow of money to the beneficiary of the contract. The system proposed by the bill would obscure that relationship somewhat.

The bill may be so narrowly drawn that only one vendor would qualify, which would be unfair to other potential contractors.

NOTES:

The committee substitute added the provision stating that the bill would not create a cause of action against the state or a state agency, official, or employee.