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CRIMINAL PROCEDURE Victim Compensation: Change Certain Provisions Relating to Victim Compensation Awards, Maximum Amounts Allowed, Types of Awards Authorized, and Effective Date of Awards; Increase the Fee Charged to Probationers

Paige P. Freeman

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CRIMINAL PROCEDURE

Victim Compensation: Change Certain Provisions Relating to Victim Compensation Awards, Maximum Amounts Allowed, Types of Awards Authorized, and Effective Date of Awards; Increase the Fee Charged to Probationers

CODE SECTIONS:	O.C.G.A. §§ 17-15-2 (amended), -8 (amended), -13 (amended)
BILL NUMBER:	HB 1142
ACT NUMBER:	840
GEORGIA LAWS:	2002 Ga. Laws 843
SUMMARY:	The Act expands coverage of the Georgia Crime Victims Compensation Program to include the crimes of hit and run, vehicular homicide, and serious injury by vehicle. The Act increases the maximum aggregate award available to victims from \$10,000 to \$25,000. Further, the Act creates a new category, crime scene sanitization, for which victim compensation is available. Finally, the Act increases probationers' fees from \$3.00 per month to \$9.00 per month.
EFFECTIVE DATE:	May 13, 2002

History

Since 1990, the Georgia Crime Victims Compensation Program has paid \$17 million in compensation to victims and survivors of violent crimes, such as homicide and rape.¹ For example, Bill Spivey is the grandfather of two children who were killed by Mark Martin the day before Martin went on a killing rampage at Piedmont Center.² While attempting to deal with the emotional trauma of their deaths,

1. Michael Finn, *Governor Wants More Aid for Victims of Crime*, CHATTANOOGA TIMES/CHATTANOOGA FREE PRESS, Jan. 11, 2002, at B3; see *2002 Georgia Legislature: Legislative Notes*, ATLANTA J. CONST., Feb. 12, 2002, at B4.

2. *Lawmakers 2002*, (GPTV broadcast, Jan. 17, 2002) (remarks by Mr. Bill Spivey), available at <http://www.gpb.org/gptv/lawmakers/archives.php>.

Mr. Spivey also had to attempt to make financial decisions, including how to pay for almost \$20,000 in funeral expenses.³ The \$6000 Mr. Spivey received from the Victims Compensation Program allowed him to pay for the funeral without having to use money from his social security retirement savings.⁴

However, while the Victims Compensation Program has helped nearly 8,500 people since its inception, Georgia remains one of the fifth lowest paying states in the nation.⁵ New Jersey and Massachusetts both have maximum compensation rates of \$25,000, while the maximum is \$20,000 in Tennessee, and in Alabama.⁶ When Governor Roy Barnes visited New York and saw the devastation that occurred with the September 11th terrorist attacks on the World Trade Center, he realized the importance of getting the Crime Victim Compensation levels increased.⁷ Governor Barnes stated, “[t]he events of Sept. 11 and that visit impressed on me that the folks left behind are the real victims, . . . [t]hey are the ones who have to deal with this.”⁸ Consequently, Governor Barnes made increasing victim compensation levels one of the key parts of his 2002 legislation package.⁹

HB 1142

Introduction

Representatives Charlie Smith, Jr., Henrietta Turnquest, and Winfred Dukes, of the 175th, 73rd, and 161st Districts, respectively, sponsored HB 1142.¹⁰ Representative Smith introduced the bill on the House floor on January 30, 2002.¹¹ The House assigned the bill to the Special Judiciary Committee, which favorably reported the

3. *Id.*

4. *Id.*

5. *Id.*; See 2002 Georgia Legislature: Legislative Notes, ATLANTA J. CONST., Feb. 12, 2002, at B4.

6. N.J.S.A. § 52:4B-18(g) (2002); M.G.L.A. 258C § 3(a); Michael Finn, *Governor Wants More Aid for Victims of Crime*, CHATTANOOGA TIMES/CHATTANOOGA FREE PRESS, Jan. 11, 2002, at B3.

7. Jim Tharpe, *Terror Attacks Intensify Barnes' Push for Victim Fund Increase*, ATLANTA J. CONST., Jan. 11, 2002, at 12C.

8. *Id.*

9. Telephone Interview with Rep. Charlie Smith, Jr., House District No. 175 (Apr. 1, 2002) [hereinafter Smith Interview].

10. HB 1142, as introduced, 2002 Ga. Gen. Assem.

11. State of Georgia Final Composite Status Sheet, HB 1142, Apr. 12, 2002.

bill, as introduced, on February 6, 2002.¹² On February 11, 2002, the House vetoed an amendment offered by Representative Callaway of the 81st District, and then passed the bill, as introduced, with a vote of 160 to 1.¹³ On February 12, 2002, the Senate assigned the bill to its Judiciary Committee, which favorably reported the bill, as introduced, on March 27, 2002.¹⁴ The Senate unanimously passed the bill, as introduced, on April 9, 2002.¹⁵

Consideration by the House

Representative Smith of the 175th District presented the bill on the House Floor and noted that the Special Judiciary Committee opposed any amendments.¹⁶ However, Representative Callaway of the 81st District offered a floor amendment to the bill that would increase the fee paid by probationers from \$3.00 per month to \$12.00 per month, rather than the \$9.00 per month that the bill proposed.¹⁷ Representative Callaway felt this increase was necessary because the bill expanded eligibility to cover victims of vehicular homicide and hit and run accidents.¹⁸ Representative Smith opposed the Callaway amendment because the bill's increased probationers fees were computed based on expanded eligibility and increased compensation levels; therefore, Representative Smith believed that the increased amounts proposed by Representative Callaway were based on arbitrary figures.¹⁹ The House vetoed the floor amendment by a vote of 95 to 61 and, on Feb. 11, 2002, passed the bill, as introduced, with

12. *Id.*

13. *Id.*; Georgia House of Representatives Voting Record, HB 1142 (Feb. 11, 2002); Failed House Floor Amendment to HB 1142, introduced by Rep. Gene Callaway, Feb. 11, 2002; Audio Recording of House Proceedings, Feb. 11, 2002 (remarks by Rep. Gene Callaway), at <http://www.ganet.org/services/leg/audio/2002archive.html> [hereinafter House Audio I].

14. State of Georgia Final Composite Status Sheet, HB 1142, Apr. 12, 2002.

15. *Id.*; Georgia Senate Voting Record, HB 1142 (Apr. 10, 2002).

16. House Audio I, *supra* note 12 (remarks by Rep. Smith).

17. *Id.* (remarks by Rep. Callaway). Compare HB 1142, as introduced, 2002 Ga. Gen. Assem., with Failed House Floor Amendment to HB 1142, introduced by Rep. Gene Callaway, Feb. 11, 2002.

18. House Audio I, *supra* note 12 (remarks by Rep. Callaway); Failed House Floor Amendment to HB 1142, introduced by Rep. Gene Callaway, Feb. 11, 2002.

19. Smith Interview, *supra* note 9.

a vote of 160 to 1.²⁰ The bill was then referred to the Senate Judiciary Committee.²¹

Consideration by the Senate

The Senate unanimously passed HB 1142, as introduced, on April 10, 2002.²² Governor Barnes signed HB 1142 into law on May 13, 2002.²³

The Act

The Act amends Code section 17-15-2 by expanding the definition of “crime” to include hit and run, vehicular homicide, and serious injury by vehicle.²⁴ Additionally, the Act amends Code section 17-15-8 by increasing the maximum victim compensation award available from \$10,000 to \$25,000.²⁵ Moreover, it increases the awards available per category of loss as follows: lost wages increases from \$5,000 to \$10,000; financial hardship or loss of support increases from \$5,000 to \$10,000; medical increases from \$5,000 to \$15,000; and counseling increases from \$2,500 to \$3,000.²⁶ Further, the Act adds an additional category for crime scene sanitization with a maximum award of \$1,500.²⁷ Finally, the Act makes provisions for the funding of these increased awards by amending Code section 17-15-13 to increase the fee paid by probationers from \$3.00 per month to \$9.00 per month.²⁸

Paige Peltier Freeman

20. Georgia House of Representatives Voting Record, HB 1142 (Feb. 11, 2002); State of Georgia Final Composite Status Sheet, HB 1142, Apr. 12, 2002.

21. State of Georgia Final Composite Status Sheet, HB 1142, Apr. 12, 2002.

22. Georgia Senate Voting Record, HB 1142 (Apr. 10, 2002); State of Georgia Final Composite Status Sheet, HB 1142, Apr. 12, 2002.

23. 2002 Ga. Laws 843, § 5, at 845.

24. Compare 1997 Ga. Laws 481, § 1, at 481-82 (formerly found at O.C.G.A. § 17-15-2(3) (2001)), with O.C.G.A. § 17-15-2(3) (Supp. 2002).

25. Compare 1995 Ga. Laws 385, § 1, at 386 (formerly found at O.C.G.A. § 17-15-8(c)(1) (2001)), with O.C.G.A. § 17-15-2(3) (Supp. 2002).

26. Compare 1994 Ga. Laws 1800, § 6, at 1809-10 (formerly found at O.C.G.A. § 17-15-8(c)(2),(j) (2001)), with O.C.G.A. § 17-15-8(c)(j) (Supp. 2002).

27. Compare 1994 Ga. Laws 1800, § 6, at 1809 (formerly found at O.C.G.A. § 17-15-8(c)(2) (2001)), with O.C.G.A. § 17-15-8(c) (Supp. 2002).

28. Compare 1998 Ga. Laws 840, § 1, at 840-41 (formerly found at O.C.G.A. § 17-15-13(f) (2001)), with O.C.G.A. § 17-15-13(f) (Supp. 2002).