

By: Krause

H.B. No. 3185

A BILL TO BE ENTITLED

AN ACT

relating to crime victims' compensation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 56B.003(10), Code of Criminal Procedure, is amended to read as follows:

(10) "Pecuniary loss" means the amount of the expense reasonably and necessarily incurred as a result of personal injury or death for:

(A) medical, hospital, nursing, or psychiatric care or counseling, or physical therapy;

(B) actual loss of past earnings and anticipated loss of future earnings and necessary travel expenses because of:

(i) a disability resulting from the personal injury;

(ii) the receipt of medically indicated services related to the disability; or

(iii) participation in or attendance at investigative, prosecutorial, or judicial processes or any postconviction or postadjudication proceeding relating to criminally injurious conduct;

(C) care of a child or dependent, including specialized care for a child who is a victim;

(D) funeral and burial expenses, including, for an immediate family member or a household member of the victim, the

1 necessary expenses of traveling to and attending the funeral;

2 (E) loss of support to a dependent, consistent
3 with Article 56B.057(b)(5);

4 (F) reasonable and necessary costs of cleaning
5 the crime scene;

6 (G) reasonable replacement costs for clothing,
7 bedding, or property of the victim seized as evidence or rendered
8 unusable as a result of the criminal investigation;

9 (H) reasonable and necessary costs for
10 relocation and housing rental assistance payments as provided by
11 Articles [~~Article~~] 56B.106(c) and (c-1);

12 (I) for an immediate family member or a household
13 member of a deceased victim, bereavement leave of not more than 10
14 work days; and

15 (J) reasonable and necessary costs of traveling
16 to and from a place of execution to witness the execution, including
17 one night's lodging near the place where the execution is
18 conducted.

19 SECTION 2. Article 56B.106, Code of Criminal Procedure, is
20 amended by amending Subsection (c) and adding Subsections (c-1) and
21 (c-2) to read as follows:

22 (c) A victim who is a victim of stalking, family violence,
23 or trafficking of persons, or a victim of sexual assault who is
24 assaulted in the victim's place of residence, may receive a
25 one-time assistance payment in an amount not to exceed:

26 (1) \$2,000 to be used for relocation expenses,
27 including expenses for rental deposit, utility connections,

1 expenses relating to moving belongings, motor vehicle mileage
2 expenses, temporary or emergency lodging for not more than seven
3 nights at a rate not to exceed \$150 for each night, and for an
4 out-of-state move, expenses for transportation, lodging, and
5 meals; and

6 (2) \$1,800 to be used for housing rental expenses.

7 (c-1) A victim other than a victim described by Subsection
8 (c), a dependent of any victim, or an immediate family member or
9 household member of any victim may receive a one-time assistance
10 payment for relocation and housing rental expenses that are
11 necessary to protect the health or safety of the victim, a dependent
12 of the victim, or an immediate family member or household member of
13 the victim. A payment under this subsection may not exceed:

14 (1) \$2,000 to be used for relocation expenses,
15 including expenses for rental deposit, utility connections,
16 expenses relating to moving belongings, motor vehicle mileage
17 expenses, temporary or emergency lodging for not more than seven
18 nights at a rate not to exceed \$150 for each night, and for an
19 out-of-state move, expenses for transportation, lodging, and
20 meals; and

21 (2) \$1,800 to be used for housing rental expenses.

22 (c-2) The attorney general may waive any documentation
23 requirements for expenses described by Subsection (c) or (c-1) as
24 necessary to expedite a payment under either subsection.

25 SECTION 3. Article 56B.107, Code of Criminal Procedure, is
26 amended by amending Subsection (a) and adding Subsection (c) to
27 read as follows:

1 (a) Except as otherwise provided by this article, the ~~[The]~~
2 attorney general may deny or reduce an award otherwise payable:

3 (1) if the claimant or victim has not substantially
4 cooperated with an appropriate law enforcement agency;

5 (2) if, as a result of the claimant's or victim's
6 behavior, the claimant or victim bears a share of the
7 responsibility for the act or omission giving rise to the claim;

8 (3) to the extent that pecuniary loss is recouped from
9 a collateral source; or

10 (4) if the claimant or victim was engaging in an
11 activity that at the time of the criminally injurious conduct was
12 prohibited by law, including a rule.

13 (c) The attorney general may not deny or reduce an award
14 under Subsection (a)(1) based substantially on the interactions of
15 the claimant or victim with a law enforcement agency at the crime
16 scene or hospital.

17 SECTION 4. The change in law made by this Act applies only
18 to compensation for criminally injurious conduct occurring on or
19 after the effective date of this Act. Compensation for criminally
20 injurious conduct occurring before the effective date of this Act
21 is governed by the law in effect on the date the conduct occurred,
22 and the former law is continued in effect for that purpose. For
23 purposes of this section, criminally injurious conduct occurred
24 before the effective date of this Act if any element of the offense
25 underlying the conduct occurred before that date.

26 SECTION 5. This Act takes effect September 1, 2021.