

By: Kolkhorst

S.B. No. 495

A BILL TO BE ENTITLED

AN ACT

relating to certain rights of crime victims.

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

SECTION 1. Article 56A.051(a), Code of Criminal Procedure, is amended to read as follows:

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) the right to receive from a law enforcement agency adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to:

(A) have the magistrate consider the safety of the victim or the victim's family in setting the amount of bail for the defendant;

(B) be informed of the amount of bail set for the defendant; and

(C) request the amount of bail be adjusted as necessary to ensure the safety of the victim or the victim's family;

(3) ~~[if requested,]~~ the right to be informed:

(A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled before the event; and

1 (B) by an appellate court of the court's
2 decisions, after the decisions are entered but before the decisions
3 are made public;

4 (4) [~~when requested,~~] the right to be informed:

5 (A) by a peace officer concerning the defendant's
6 right to bail and the procedures in criminal investigations; and

7 (B) by the office of the attorney representing
8 the state concerning the general procedures in the criminal justice
9 system, including general procedures in guilty plea negotiations
10 and arrangements, restitution, and the appeals and parole process;

11 (5) the right to provide pertinent information to a
12 community supervision and corrections department conducting a
13 presentencing investigation concerning the impact of the offense on
14 the victim and the victim's family by testimony, written statement,
15 or any other manner before any sentencing of the defendant;

16 (6) the right to receive information regarding
17 compensation to victims of crime as provided by Chapter 56B,
18 including information related to the costs that may be compensated
19 under that chapter and the amount of compensation, eligibility for
20 compensation, and procedures for application for compensation
21 under that chapter, the payment for a forensic medical examination
22 under Article 56A.252 for a victim of an alleged sexual assault, and
23 when requested, to referral to available social service agencies
24 that may offer additional assistance;

25 (7) the right to:

26 (A) be informed, on request, of parole
27 procedures;

1 (B) participate in the parole process;

2 (C) provide to the board for inclusion in the
3 defendant's file information to be considered by the board before
4 the parole of any defendant convicted of any offense subject to this
5 chapter; and

6 (D) be notified, if requested, of parole
7 proceedings concerning a defendant in the victim's case and of the
8 defendant's release;

9 (8) the right to be provided with a waiting area,
10 separate or secure from other witnesses, including the defendant
11 and relatives of the defendant, before testifying in any proceeding
12 concerning the defendant; if a separate waiting area is not
13 available, other safeguards should be taken to minimize the
14 victim's contact with the defendant and the defendant's relatives
15 and witnesses, before and during court proceedings;

16 (9) the right to the prompt return of any of the
17 victim's property that is held by a law enforcement agency or the
18 attorney representing the state as evidence when the property is no
19 longer required for that purpose;

20 (10) the right to have the attorney representing the
21 state notify the victim's employer, if requested, that the victim's
22 cooperation and testimony is necessary in a proceeding that may
23 require the victim to be absent from work for good cause;

24 (11) the right to request victim-offender mediation
25 coordinated by the victim services division of the department;

26 (12) the right to be informed of the uses of a victim
27 impact statement and the statement's purpose in the criminal

1 justice system as described by Subchapter D, to complete the victim
2 impact statement, and to have the victim impact statement
3 considered:

4 (A) by the attorney representing the state and
5 the judge before sentencing or before a plea bargain agreement is
6 accepted; and

7 (B) by the board before a defendant is released
8 on parole;

9 (13) for a victim of an assault or sexual assault who
10 is younger than 17 years of age or whose case involves family
11 violence, as defined by Section 71.004, Family Code, the right to
12 have the court consider the impact on the victim of a continuance
13 requested by the defendant; if requested by the attorney
14 representing the state or by the defendant's attorney, the court
15 shall state on the record the reason for granting or denying the
16 continuance; and

17 (14) if the offense is a capital felony, the right to:

18 (A) receive by mail from the court a written
19 explanation of defense-initiated victim outreach if the court has
20 authorized expenditures for a defense-initiated victim outreach
21 specialist;

22 (B) not be contacted by the victim outreach
23 specialist unless the victim, guardian, or relative has consented
24 to the contact by providing a written notice to the court; and

25 (C) designate a victim service provider to
26 receive all communications from a victim outreach specialist acting
27 on behalf of any person.

1 SECTION 2. This Act takes effect September 1, 2021.