

By: Zaffirini, et al. S.B. No. 49
(González of El Paso, Goldman, Cook, Collier, et al.)

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. Articles 56B.003(2), (6), (7), and (10), Code of Criminal Procedure, are amended to read as follows:

(2) "Claimant" means any of the following individuals, other than a service provider, who is entitled to file or has filed a claim for compensation under this chapter:

(A) an authorized individual acting on behalf of a victim;

(B) an individual who legally assumes the obligation or who voluntarily pays medical or burial expenses of a victim incurred as a result of the criminally injurious conduct of another;

(C) a dependent of a victim who died as a result of the criminally injurious conduct;

(D) a [~~an immediate~~] family member or [~~a~~] household member of a victim who, as a result of the criminally injurious conduct:

(i) requires psychiatric care or counseling;

(ii) incurs expenses for traveling to and attending a deceased victim's funeral; or

(iii) suffers wage loss from bereavement

1 leave taken in connection with the death of the victim; or

2 (E) an authorized individual acting on behalf of
3 a child described by Paragraph (C) or (D).

4 (6) "Family violence" has the meaning assigned by
5 Section 71.004 [~~71.004(1)~~], Family Code.

6 (7) "Household member" means an individual who~~+~~
7 [~~(A) is related by consanguinity or affinity to~~
8 ~~the victim; and~~

9 [~~(B)~~] resided in the same permanent household as
10 the victim at the time that the criminally injurious conduct
11 occurred.

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

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

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

19 (i) a disability resulting from the
20 personal injury;

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

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

27 (C) care of a child or dependent, including

1 specialized care for a child who is a victim;

2 (D) funeral and burial expenses, including, for a
3 ~~[an immediate]~~ family member or ~~[a]~~ household member of the victim,
4 the necessary expenses of traveling to and attending the funeral;

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

7 (F) reasonable and necessary costs of cleaning
8 the crime scene;

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

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

15 (I) for a ~~[an immediate]~~ family member or ~~[a]~~
16 household member of a deceased victim, bereavement leave ~~[of not~~
17 ~~more than 10 work days]~~; and

18 (J) reasonable and necessary costs of traveling
19 to and from a place of execution to witness the execution, including
20 ~~[one night's]~~ lodging near the place where the execution is
21 conducted.

22 SECTION 2. Subdivision (8), Article 56B.003, Code of
23 Criminal Procedure, is redesignated as Subdivision (5-a), Article
24 56B.003, Code of Criminal Procedure, and amended to read as
25 follows:

26 (5-a) "Family ~~[(8) "Immediate family]~~ member" means an
27 individual who is related to a victim ~~[within the second degree]~~ by

1 consanguinity or affinity.

2 SECTION 3. Article 56B.057(d), Code of Criminal Procedure,
3 is amended to read as follows:

4 (d) Except as provided by rules adopted by the attorney
5 general to prevent the unjust enrichment of an offender, the
6 attorney general may not deny an award otherwise payable to a
7 claimant or victim because the claimant or victim:

8 (1) is a [~~an immediate~~] family member of the offender;
9 or

10 (2) resides in the same household as the offender.

11 SECTION 4. Article 56B.106, Code of Criminal Procedure, is
12 amended by amending Subsections (c) and (d) and adding Subsections
13 (c-1), (c-2), and (c-3) to read as follows:

14 (c) A victim of stalking, family violence, or trafficking of
15 persons, a victim of sexual assault who is assaulted in the victim's
16 place of residence, or a child who is a victim of a murder attempt in
17 the child's place of residence may receive compensation for the
18 following expenses [~~a one-time assistance payment in an amount not~~
19 ~~to exceed~~]:

20 (1) [~~\$2,000 to be used for~~] relocation expenses,
21 including expenses for rental deposit, utility connections,
22 expenses relating to moving belongings, motor vehicle mileage
23 expenses, temporary or emergency lodging, and for an out-of-state
24 move, expenses for transportation, lodging, and meals; and

25 (2) [~~\$1,800 to be used for~~] housing rental expenses.

26 (c-1) A victim other than a victim described by Subsection
27 (c), a dependent of any victim, a family member of any victim if

1 that family member has previously resided with the victim for a
2 period of not less than two years, or a household member of any
3 victim may receive compensation for the following expenses, if the
4 expenses are necessary to protect the health or safety of the
5 victim, dependent, or family or household member:

6 (1) relocation expenses, including expenses for
7 rental deposit, utility connections, expenses relating to moving
8 belongings, motor vehicle mileage expenses, temporary or emergency
9 lodging, and for an out-of-state move, expenses for transportation,
10 lodging, and meals; and

11 (2) housing rental expenses.

12 (c-2) Unless the attorney general determines that there is
13 an extraordinary health or safety need for compensation to be made
14 to more than two households, the attorney general may, for each
15 application based on criminally injurious conduct giving rise to
16 the need for relocation or housing rental expenses, award
17 compensation for relocation or housing rental expenses under
18 Subsection (c) or (c-1) to the households of no more than:

19 (1) one victim and one claimant; or

20 (2) two claimants, if the victim is deceased.

21 (c-3) A victim or claimant may not receive more than \$5,000
22 in the aggregate for relocation expenses and housing rental
23 expenses under Subsection (c) or (c-1).

24 (d) A ~~[An immediate]~~ family member or household member of a
25 deceased victim may not receive more than \$3,333 ~~[\$1,000]~~ in lost
26 wages as a result of bereavement leave taken by the family or
27 household member.

1 SECTION 5. The change in law made by this Act applies only
2 to compensation for criminally injurious conduct occurring on or
3 after the effective date of this Act. Compensation for criminally
4 injurious conduct occurring before the effective date of this Act
5 is governed by the law in effect on the date the conduct occurred,
6 and the former law is continued in effect for that purpose. For
7 purposes of this section, criminally injurious conduct occurred
8 before the effective date of this Act if any element of the offense
9 underlying the conduct occurred before that date.

10 SECTION 6. This Act takes effect September 1, 2023.