

By: Gutierrez

S.B. No. 146

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Uvalde Victims' Compensation Fund

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

SECTION 1. Title 12, Government Code, is amended by adding Chapter 4009 to read as follows:

CHAPTER 4009. UVALDE VICTIMS' COPENSATION FUND

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 4009.001. SHORT TITLE. This chapter may be cited as the Uvalde Victims' Compensation Act.

Sec. 4009.002. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature recognizes that the attack on Robb Elementary School in Uvalde, Texas on May 24, 2022, was a heinous crime exacerbated by the inaction and dereliction of duty of law enforcement officers and public officials across this state. Local and state police officers arrived on location in the early stages of the attack and waited more than an hour to confront the attacker and to render aid to the victims. As a consequence of their inaction, victims bled out and perished. The legislature finds that there is an emergent need to compensate the victims and their families of the Uvalde attack. The legislature also finds that there is a public calamity in relation to gun violence in Texas necessitating a grant of aid to the community of Uvalde. The legislature further finds that the every governmental unit and their employees acted with willful or gross negligence, bad faith, conscious indifference or reckless

1 disregard for the lives of the victims of the attack on Robb
2 Elementary.

3 (b) It is the legislature's intent that the compensation
4 provided to the innocent victims of the violent crime that occurred
5 at Robb Elementary ameliorates the pain caused by the attack and the
6 damage done to the community of Uvalde County.

7 Sec. 4009.003. DEFINITIONS. In this chapter:

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

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

13 (B) a dependent of a victim who died or was
14 injured as a result of the criminally injurious conduct;

15 (C) an immediate family member or a household
16 member of a victim;

17 (D) an authorized individual acting on behalf of
18 a child described by Paragraph (B) or (C).

19 (2) "Household member" means an individual who:

20 (A) is related by consanguinity or affinity to
21 the victim or is the legal guardian of the victim; and

22 (B) resided in the same permanent household as
23 the victim at the time that the criminally injurious conduct
24 occurred.

25 (4) "Immediate family member" means an individual who
26 is related to a victim within the second degree by consanguinity or
27 affinity or is a legal guardian of the victim at the time of the

1 criminally injurious conduct.

2 (5) "Victim" means an individual who suffered personal
3 injury or death as a result of the criminally injurious conduct or
4 as a result of actions taken by the attacker of Robb Elementary
5 School on May 24, 2022.

6 SUBCHAPTER B. UVALDE VICTIMS' COMPENSATION BOARD

7 Sec. 4009.010. MEMBERSHIP. (a) The Uvalde Victims'
8 Compensation Board consists of:

- 9 (1) the governor;
10 (2) the lieutenant governor;
11 (3) the speaker of the house of representatives;
12 (4) the state senator representing Uvalde County; and
13 (5) the state representative representing Uvalde County.

14 (b) The governor is the chair of the board.

15 Sec. 4009.011. QUORUM; MEETINGS. (a) A majority of the
16 members of the board constitutes a quorum to transact business. If
17 a quorum is present, the board may act on any matter that is within
18 its jurisdiction by a majority vote.

19 (b) The board shall meet as often as necessary to perform
20 its duties. Meetings may be held at any time at the request of
21 either of the chair of the board or on written petition of a
22 majority of the members of the board.

23 (c) The board shall meet in Austin, except that if a
24 majority of the members of the board agree, the board may meet in
25 any location determined by the board.

26 Sec. 4009.012 TYPES OF ASSISTANCE. (a) On receiving and
27 reviewing an application for compensation under Section 4009.013,

1 the Board shall authorize a cash payment within 60 days to a victim,
2 a victim's immediate family, or a member of the household of the
3 victim if the victim was seriously physically injured, murdered, or
4 suffering from mental or emotional disability on account of the
5 attack on Robb Elementary on May 24, 2022.

6 (b) After certifying the veracity of the application, the
7 board shall authorize the following cash payment to a victim, a
8 victim's immediate family, or a member of the household of the
9 victim:

10 (1) \$7,700,000 dollars per deceased victim payable to the
11 victim's immediate surviving family or members of the household at
12 the discretion of the board;

13 (2) \$2,100,000 dollars per seriously physically injured
14 victim payable to the victim; and

15 (3) \$250,000 dollars per mental or emotional disability
16 resulting from the attack on Robb Elementary on May 24, 2022.

17 (c) Upon reviewing the totality of factual circumstances
18 surrounding the application, the board may divide the award between
19 members of the immediate family, household, or legal guardians.

20 Sec. 4009.013. APPLICATION FOR COMPENSATION. (a) An
21 applicant for compensation under this chapter must apply in writing
22 on a form prescribed by the board.

23 (b) An application for compensation under this chapter must
24 be verified and contain:

25 (1) the date on which the criminally injurious conduct
26 occurred;

27 (2) a description of the nature and circumstances of

1 the criminally injurious conduct;

2 (3) a statement indicating the extent of the
3 psychological or physical injury caused by the criminally injurious
4 conduct, including any disability resulting from the injury
5 incurred;

6 (4) an authorization permitting the board to verify
7 the contents of the application;

8 (5) a description of the residence of the applicant on
9 May 24, 2022; and

10 (6) the relationship by consanguinity, affinity, or
11 legal guardianship to any victim of the attack on Robb Elementary
12 that occurred on May 24, 2022.

13 Sec. 4009.014. REVIEW OF APPLICATION. (a)The board shall
14 review each application for compensation described by Section
15 4009.013 to ensure the application is complete.

16 (b) The board shall return to the claimant or victim any
17 application that is incomplete and shall provide a brief statement
18 showing the additional information required. Not later than the
19 30th day after the date of receiving a returned application, a
20 claimant or victim may:

21 (1) provide the additional information; or

22 (2) appeal the action to the board, who shall review
23 the application to determine whether the application is complete.

24 (c) The board may investigate an application.

25 (d) As part of the board's review, verification, and hearing
26 duties under this chapter, the board may investigate the
27 application for truthfulness.

1 Sec. 409.015. METHOD OF PAYMENT. The board shall pay an
2 award in a lump sum.

3 Sec. 4009.016. LIMITS ON DISBURSEMENTS. (a) Except as
4 otherwise provided by this article, awards payable to all victims
5 and all claimants pursuant to this Chapter may not exceed
6 \$300,000,000 in the aggregate.

7 SECTION 2. This compensation shall be cumulative of all
8 other remedies, benefits, or compensation provided for by law. In
9 addition, by passage of this bill, the State of Texas waives
10 sovereign immunity for itself and also waives any qualified
11 immunity of any employee of the State or local government for any
12 legal claims resulting from the attack on Robb Elementary School on
13 May 24, 2022. The State of Texas hereby waives any governmental
14 immunity that may be sought by any subdivision or municipality of
15 this state in relation to any legal claim made concerning the attack
16 on Robb Elementary School on May 24, 2022.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2023.