

1-1 By: Hinojosa S.B. No. 409
1-2 (In the Senate - Filed January 12, 2023; February 15, 2023,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 6, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 6, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			
1-15	<u>X</u>			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 409 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the rights of victims, guardians of victims, and close
1-20 relatives of deceased victims in the criminal justice system.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Articles 56A.052(a), (b), and (c), Code of
1-23 Criminal Procedure, are amended to read as follows:

1-24 (a) A [~~If the offense is a sexual assault,~~ a] victim,
1-25 guardian of a victim, or close relative of a deceased victim of an
1-26 offense under Section 21.02, 21.11, 22.011, 22.012, 22.021, or
1-27 42.072, Penal Code, is entitled to the following rights within the
1-28 criminal justice system:

1-29 (1) if requested, the right to a disclosure of
1-30 information regarding:

1-31 (A) any evidence that was collected during the
1-32 investigation of the offense, unless disclosing the information
1-33 would interfere with the investigation or prosecution of the
1-34 offense, in which event the victim, guardian, or relative shall be
1-35 informed of the estimated date on which that information is
1-36 expected to be disclosed; and

1-37 (B) the status of any analysis being performed on
1-38 [~~of~~] any evidence described by Paragraph (A);

1-39 (2) if requested, the right to be notified:

1-40 (A) at the time a request is submitted to a crime
1-41 laboratory to process and analyze any evidence that was collected
1-42 during the investigation of the offense;

1-43 (B) at the time of the submission of a request to
1-44 compare any biological evidence collected during the investigation
1-45 of the offense with DNA profiles maintained in a state or federal
1-46 DNA database; and

1-47 (C) of the results of the comparison described by
1-48 Paragraph (B), unless disclosing the results would interfere with
1-49 the investigation or prosecution of the offense, in which event the
1-50 victim, guardian, or relative shall be informed of the estimated
1-51 date on which those results are expected to be disclosed;

1-52 (3) if requested, the right to counseling regarding
1-53 acquired immune deficiency syndrome (AIDS) and human
1-54 immunodeficiency virus (HIV) infection; [~~and~~]

1-55 (4) if requested, the right to be informed about, and
1-56 confer with the attorney representing the state regarding, the
1-57 disposition of the offense, including sharing the victim's,
1-58 guardian's, or relative's views regarding:

1-59 (A) a decision not to file charges;

1-60 (B) the dismissal of charges;

2-1 (C) the use of a pretrial intervention program;
2-2 or
2-3 (D) a plea bargain agreement; and
2-4 (5) for the victim, the right to:
2-5 (A) testing for acquired immune deficiency
2-6 syndrome (AIDS), human immunodeficiency virus (HIV) infection,
2-7 antibodies to HIV, or infection with any other probable causative
2-8 agent of AIDS; and
2-9 (B) a forensic medical examination to the extent
2-10 provided by Subchapters F and G if, within 120 hours of the offense:
2-11 (i) the offense is reported to a law
2-12 enforcement agency; or
2-13 (ii) a forensic medical examination is
2-14 otherwise conducted by ~~at~~ a health care provider.
2-15 (b) Subject to Subsection (c), a [A] victim, guardian of a
2-16 victim, or close relative of a deceased victim who requests to be
2-17 notified or receive information under Subsection (a)(1), (2), or
2-18 (4) [~~(a)(2)~~] must:
2-19 (1) provide a current address and phone number to the
2-20 attorney representing the state and the law enforcement agency that
2-21 is investigating the offense; and
2-22 (2) ~~[The victim, guardian, or relative must]~~ inform
2-23 the attorney representing the state and the law enforcement agency
2-24 of any change in the address or phone number.
2-25 (c) A victim, guardian of a victim, or close relative of a
2-26 deceased victim may designate a person, including an entity that
2-27 provides services to victims of an offense described by Subsection
2-28 (a) [~~sexual assault~~], to receive any notice requested under
2-29 Subsection (a)(2).
2-30 SECTION 2. Subchapter B, Chapter 56A, Code of Criminal
2-31 Procedure, is amended by adding Article 56A.0531 to read as
2-32 follows:
2-33 Art. 56A.0531. ASSERTION OF RIGHTS. A victim, guardian of a
2-34 victim, or close relative of a deceased victim may assert the rights
2-35 provided by this chapter either orally or in writing.
2-36 SECTION 3. This Act takes effect September 1, 2023.

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