

By: Gutierrez, et al.

S.B. No. 574

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the School Violence Victims' Compensation Fund

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

SECTION 1. Title 4, Government Code, is amended by adding to Chapter 403, subchapter S to read as follows:

SUBCHAPTER S. GENERAL PROVISIONS

Sec. 403.601. SHORT TITLE. This chapter may be cited as the School Violence Victims' Compensation Act.

Sec. 403.602. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature recognizes that it shall be the duty of the legislature to establish and make suitable provision for the support and maintenance of an efficient system of public free schools. The legislature further finds that a public school system in which Texas students are not safe from gun violence is not efficient nor suitable. The legislature also finds that there is a public calamity in relation to gun violence in Texas public schools necessitating a grant of aid to the students, teachers, and educational support personnel that have been victims of gun violence.

(b) It is the legislature's intent that the compensation provided to the innocent victims of the violent gun-related crime that have occurred and will occur at Texas public schools ameliorates the pain caused by those attacks.

1       Sec. 406.603. DEFINITIONS. In this chapter:

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

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

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

9                   (C) an immediate family member or a household  
10 member of a victim;

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

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

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

16                   (B) resided in the same permanent household as  
17 the victim at the time that the criminally injurious conduct  
18 occurred.

19           (4) "Immediate family member" means an individual who  
20 is related to a victim within the second degree by consanguinity or  
21 affinity or is a legal guardian of the victim.

22           (5) "Victim" means an individual who suffered personal  
23 injury or death as a result of a gun-related incident in a Texas  
24 public school since January 1, 2018.

25       Sec. 403.604 TYPES OF ASSISTANCE. (a) On receiving and  
26 reviewing an application for compensation under Section 403.605,  
27 the Comptroller shall authorize a cash payment within 60 days to a

1 victim, a victim's immediate family, or a member of the household of  
2 the victim if the victim was seriously physically injured,  
3 murdered, or suffering from mental or emotional disability on  
4 account of a gun-related incident in a Texas public school.

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

9 (1) \$1,000,000 dollars per deceased victim  
10 payable to the victim's immediate surviving family or members of  
11 the household;

12 (2) \$250,000 dollars per seriously physically  
13 injured victim payable to the victim;

14 (3) \$100,000 dollars per mental or emotional  
15 disability victim payable to the victim; and

16 (4) \$50,000 per physically injured victim  
17 payable to the victim.

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

22 Sec. 403.605. APPLICATION FOR COMPENSATION. (a) An  
23 applicant for compensation under this chapter must apply in writing  
24 on a form prescribed by the Comptroller.

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

27 (1) the date on which the injurious conduct occurred;

1           (2) a description of the nature and circumstances of  
2 the injurious conduct;

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

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

8           (5) the relationship by consanguinity, affinity, or  
9 legal guardianship to any victim of a gun-related incident in a  
10 Texas public school.

11           Sec. 403.606. REVIEW OF APPLICATION. (a) The Comptroller  
12 shall review each application for compensation described by Section  
13 403.605 to ensure the application is complete.

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

20           (c) The Comptroller may investigate an application.

21           (d) As part of the Comptroller's review and verification  
22 duties under this subchapter, the Comptroller may investigate the  
23 application for truthfulness.

24           Sec. 403.607. METHOD OF PAYMENT. The Comptroller shall pay  
25 an award in a lump sum.

26           SECTION 2. Title 2, Tax Code, by adding Chapter 164 to read  
27 as follows:

1                   CHAPTER 164. FIREARM AND AMMO TAX

2                   SUBCHAPTER A. GENERAL PROVISIONS

3           Sec. 164.001. IMPOSITION AND RATE OF TAX. (a) A tax is  
4 imposed on every retail sale of firearms or ammunition sold in this  
5 state.

6           (b) The tax rates are:

7                   (1) five cents per round of ammunition for a firearm;  
8 and

9                   (2) \$50.00 per firearm.

10          Sec. 164.002. DEDICATION TO THE SCHOOL VIOLENCE  
11 VICTIMS'COMPENSATION FUND. The revenue collected from any tax  
12 imposed by this chapter, and deposited to the general revenue fund  
13 may only be spent to fund the School Violence Victims' Compensation  
14 Fund under Subchapter S, Chapter 403, Government Code.

15          SECTION 3. This compensation shall be cumulative of all  
16 other remedies, benefits, or compensation provided for by law.

17          SECTION 4. 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.