

BILL ANALYSIS

H.B. 1895
By: Hope
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Immediate family members of deceased crime victims often suffer pecuniary losses of wages and travel expenses as a direct result of the sudden and unexpected death of their loved one(s) due to a violent crime. Most close survivors of a victim are not in a position to absorb this unexpected financial loss. Some employers offer a paid bereavement leave to their employees, however, it is not the practice of all employers.

The sudden emotional trauma makes it impossible for most close survivors of the victim to function well enough to adequately perform their job duties. Depending on the nature of their jobs, this could place them at serious risk of harming themselves or others. In addition, time is required of the survivors to make funeral and burial arrangements, attend the funeral, deal with the initial investigative process immediately following the death, and deal with the often unexpected legal and/or business matters that require their time. Rarely is a survivor afforded time to grieve the loss of their loved one(s) before they are forced to return to work for financial reasons. Not being able to take time to grieve and address the trauma of their loss has caused long lasting and adverse emotional repercussions for many close survivors of a deceased victim.

House Bill 1895 provides limited compensation for certain survivors of deceased crime victims for out-of-pocket travel expenses associated with attending the funeral, and provides a bereavement period to reimburse lost wages for up to 10 work days, or a maximum of \$1,000.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority previously delegated to the attorney general is modified in SECTION 2 (Article 56.42, Code of Criminal Procedure) of this bill.

ANALYSIS

House Bill 1895 amends the Code of Criminal Procedure to include among those who may receive money from the Crime Victim Compensation Fund, someone who incurs expenses for traveling to and attending a funeral service. It also defines traveling expenses and time missed from work (for a maximum of ten days) while attending a funeral as a "pecuniary loss" which may be reimbursed through the Crime Victim Compensation Fund. The bill allows the attorney general to compensate recipients of Crime Victims Compensation funds for lost wages, which may not exceed \$1,000.

EFFECTIVE DATE

September 1, 2003.