

By: Hope

H.B. No. 1895

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the compensation provided to an immediate family member
3 or a household member of a deceased victim for funeral attendance
4 and bereavement leave.

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

6 SECTION 1. Articles 56.32(a)(2) and (9), Code of Criminal
7 Procedure, are amended to read as follows:

8 (2) "Claimant" means, except as provided by Subsection
9 (b), any of the following individuals who is entitled to file or has
10 filed a claim for compensation under this subchapter:

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

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

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

19 (D) an immediate family member or household
20 member of a victim who:

21 (i) requires psychiatric care or counseling
22 as a result of the criminally injurious conduct; or

23 (ii) as a result of the criminally
24 injurious conduct, incurs with respect to a deceased victim

1 expenses for traveling to and attending the victim's funeral or
2 suffers wage loss from bereavement leave taken in connection with
3 the death of that victim; or

4 (E) an authorized individual acting on behalf of
5 an individual who is described by Subdivision (C) or (D) and who is
6 a child.

7 (9) "Pecuniary loss" means the amount of expense
8 reasonably and necessarily incurred as a result of personal injury
9 or death for:

10 (A) medical, hospital, nursing, or psychiatric
11 care or counseling, or physical therapy;

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

14 (i) a disability resulting from the
15 personal injury;

16 (ii) the receipt of medically indicated
17 services related to the disability resulting from the personal
18 injury; or

19 (iii) participation in or attendance at
20 investigative, prosecutorial, or judicial processes related to the
21 criminally injurious conduct and participation in or attendance at
22 any postconviction or postadjudication proceeding relating to
23 criminally injurious conduct;

24 (C) care of a child or dependent;

25 (D) funeral and burial expenses, including, for
26 an immediate family or household member of the victim, the
27 necessary expenses of traveling to and attending the funeral;

1 (E) loss of support to a dependent, consistent
2 with Article 56.41(b)(5);

3 (F) reasonable and necessary costs of cleaning
4 the crime scene;

5 (G) reasonable replacement costs for clothing,
6 bedding, or property of the victim seized as evidence or rendered
7 unusable as a result of the criminal investigation; ~~and~~

8 (H) reasonable and necessary costs, as provided
9 by Article 56.42(d), incurred by a victim of family violence or a
10 victim of sexual assault who is assaulted in the victim's place of
11 residence for relocation and housing rental assistance payments;
12 and

13 (I) for an immediate family or household member
14 of a deceased victim, bereavement leave of not more than 10 work
15 days.

16 SECTION 2. Article 56.42, Code of Criminal Procedure, is
17 amended by amending Subsection (c) and adding Subsection (e) to
18 read as follows:

19 (c) The attorney general may by rule establish limitations
20 on any other pecuniary loss compensated for under this subchapter,
21 including limitations on pecuniary loss incurred as a result of a
22 claimant's travel to and attendance of a deceased victim's funeral.

23 (e) An immediate family or household member of a deceased
24 victim may not receive more than \$1,000 in lost wages as a result of
25 bereavement leave taken by the family or household member.

26 SECTION 3. (a) This Act takes effect September 1, 2003.

27 (b) The changes in law made by this Act apply only to a

1 pecuniary loss arising from the death of a victim of a criminal
2 offense committed or a violation that occurs on or after the
3 effective date of this Act. For purposes of this Act, a criminal
4 offense is committed or a violation occurs before the effective
5 date of this Act if any element of the offense or violation occurs
6 before that date. A pecuniary loss arising from the death of a
7 victim of a criminal offense committed or a violation that occurs
8 before the effective date of this Act is covered by the law in
9 effect when the criminal offense was committed or the violation
10 occurred, and the former law is continued in effect for that
11 purpose.