

1-1 By: Hope (Senate Sponsor - Staples) H.B. No. 1895  
1-2 (In the Senate - Received from the House May 12, 2003;  
1-3 May 13, 2003, read first time and referred to Committee on Criminal  
1-4 Justice; May 24, 2003, reported favorably, as amended, by the  
1-5 following vote: Yeas 4, Nays 0; May 24, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Ratliff

1-7 Amend H.B. No. 1895 (committee printing) as follows:

1-8 (1) In SECTION 1 of the bill, in amended Article  
1-9 56.32(a)(2), Code of Criminal Procedure (page 1, lines 43 and 44),  
1-10 strike "~~or household member~~" and substitute "or household  
1-11 member".

1-12 (2) In SECTION 1 of the bill, in amended Article  
1-13 56.32(a)(9), Code of Criminal Procedure (page 2, line 11), between  
1-14 "member" and "of", insert "or household member".

1-15 (3) In SECTION 1 of the bill, in amended Article  
1-16 56.32(a)(9), Code of Criminal Procedure (page 2, line 25), between  
1-17 "member" and "of", insert "or household member".

1-18 (4) In SECTION 2 of the bill, in proposed Article 56.42(e),  
1-19 Code of Criminal Procedure (page 2, line 34), between "member" and  
1-20 "of", insert "or household member".

1-21 (5) In SECTION 2 of the bill, in proposed Article 56.42(e),  
1-22 Code of Criminal Procedure (page 2, line 36), between "family" and  
1-23 "member", insert "or household".

1-24 A BILL TO BE ENTITLED  
1-25 AN ACT

1-26 relating to the compensation provided to an immediate family member  
1-27 or a household member of a deceased victim for funeral attendance  
1-28 and bereavement leave or certain other crime victims' services.

1-29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-30 SECTION 1. Articles 56.32(a)(2) and (9), Code of Criminal  
1-31 Procedure, are amended to read as follows:

1-32 (2) "Claimant" means, except as provided by Subsection  
1-33 (b), any of the following individuals who is entitled to file or has  
1-34 filed a claim for compensation under this subchapter:

1-35 (A) an authorized individual acting on behalf of  
1-36 a victim;

1-37 (B) an individual who legally assumes the  
1-38 obligation or who voluntarily pays medical or burial expenses of a  
1-39 victim incurred as a result of the criminally injurious conduct of  
1-40 another;

1-41 (C) a dependent of a victim who died as a result  
1-42 of criminally injurious conduct;

1-43 (D) an immediate family member [~~or household~~  
1-44 ~~member~~] of a victim who:

1-45 (i) requires psychiatric care or counseling  
1-46 as a result of the criminally injurious conduct; or

1-47 (ii) as a result of the criminally  
1-48 injurious conduct, incurs with respect to a deceased victim  
1-49 expenses for traveling to and attending the victim's funeral or  
1-50 suffers wage loss from bereavement leave taken in connection with  
1-51 the death of that victim; or

1-52 (E) an authorized individual acting on behalf of  
1-53 an individual who is described by Subdivision (C) or (D) and who is  
1-54 a child.

1-55 (9) "Pecuniary loss" means the amount of expense  
1-56 reasonably and necessarily incurred as a result of personal injury  
1-57 or death for:

1-58 (A) medical, hospital, nursing, or psychiatric  
1-59 care or counseling, or physical therapy;

1-60 (B) actual loss of past earnings and anticipated  
1-61 loss of future earnings and necessary travel expenses because of:

1-62 (i) a disability resulting from the  
1-63 personal injury;

2-1 (ii) the receipt of medically indicated  
2-2 services related to the disability resulting from the personal  
2-3 injury; or

2-4 (iii) participation in or attendance at  
2-5 investigative, prosecutorial, or judicial processes related to the  
2-6 criminally injurious conduct and participation in or attendance at  
2-7 any postconviction or postadjudication proceeding relating to  
2-8 criminally injurious conduct;

2-9 (C) care of a child or dependent;

2-10 (D) funeral and burial expenses, including, for  
2-11 an immediate family member of the victim, the necessary expenses of  
2-12 traveling to and attending the funeral;

2-13 (E) loss of support to a dependent, consistent  
2-14 with Article 56.41(b)(5);

2-15 (F) reasonable and necessary costs of cleaning  
2-16 the crime scene;

2-17 (G) reasonable replacement costs for clothing,  
2-18 bedding, or property of the victim seized as evidence or rendered  
2-19 unusable as a result of the criminal investigation; ~~and~~

2-20 (H) reasonable and necessary costs, as provided  
2-21 by Article 56.42(d), incurred by a victim of family violence or a  
2-22 victim of sexual assault who is assaulted in the victim's place of  
2-23 residence for relocation and housing rental assistance payments;  
2-24 and

2-25 (I) for an immediate family member of a deceased  
2-26 victim, bereavement leave of not more than 10 work days.

2-27 SECTION 2. Article 56.42, Code of Criminal Procedure, is  
2-28 amended by amending Subsection (c) and adding Subsection (e) to  
2-29 read as follows:

2-30 (c) The attorney general may by rule establish limitations  
2-31 on any other pecuniary loss compensated for under this subchapter,  
2-32 including limitations on pecuniary loss incurred as a result of a  
2-33 claimant's travel to and attendance of a deceased victim's funeral.

2-34 (e) An immediate family member of a deceased victim may not  
2-35 receive more than \$1,000 in lost wages as a result of bereavement  
2-36 leave taken by the family member.

2-37 SECTION 3. (a) This Act takes effect September 1, 2003.

2-38 (b) The changes in law made by this Act apply only to a  
2-39 pecuniary loss arising from the death of a victim of a criminal  
2-40 offense committed or a violation that occurs on or after the  
2-41 effective date of this Act. For purposes of this Act, a criminal  
2-42 offense is committed or a violation occurs before the effective  
2-43 date of this Act if any element of the offense or violation occurs  
2-44 before that date. A pecuniary loss arising from the death of a  
2-45 victim of a criminal offense committed or a violation that occurs  
2-46 before the effective date of this Act is covered by the law in  
2-47 effect when the criminal offense was committed or the violation  
2-48 occurred, and the former law is continued in effect for that  
2-49 purpose.

2-50 \* \* \* \* \*