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S.B. No. 1245

A BILL TO BE ENTITLED

AN ACT

relating to the governance of the Crime Victims' Institute.

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

SECTION 1. Chapter 412, Government Code, is transferred to Subchapter D, Chapter 96, Education Code, redesignated as Sections 96.65, 96.651, and 96.652, and amended to read as follows:

~~[CHAPTER 412. CRIME VICTIMS' INSTITUTE AND CRIME VICTIMS'~~

~~INSTITUTE ADVISORY COUNCIL~~

~~[SUBCHAPTER A. GENERAL PROVISIONS]~~

Sec. 96.65 ~~[412.001]~~. CRIME VICTIMS' INSTITUTE ~~[DEFINITIONS]~~.

(a) In this section ~~[chapter]~~:

(1) ~~["Advisory council" means the Crime Victims' Institute Advisory Council.]~~

~~[(2)]~~ "Close relative of a deceased victim" has the meaning assigned by Article 56.01, Code of Criminal Procedure.

(2) ~~[(3)]~~ "Guardian of a victim" has the meaning assigned by Article 56.01, Code of Criminal Procedure.

(3) ~~[(4)]~~ "Institute" means the Crime Victims' Institute.

(4) ~~[(5)]~~ ~~"Service provider" means an individual or organization that provides assistance to victims, close relatives of deceased victims, or guardians of victims.~~

~~[(6)]~~ "Victim" has the meaning assigned by Article 56.01, Code of Criminal Procedure.

1           **(b)** [~~Sec. 412.002. LEGISLATIVE INTENT.~~] It is the intent  
2 of the legislature to create an institute to:

3                   (1) compile and study information concerning the  
4 impact of crime on:

5                           (A) victims;

6                           (B) close relatives of deceased victims;

7                           (C) guardians of victims; and

8                           (D) society;

9                   (2) use information compiled by the institute to  
10 evaluate the effectiveness of criminal justice policy and juvenile  
11 justice policy in preventing the victimization of society by crime;

12                   (3) develop policies to assist the criminal justice  
13 system and the juvenile justice system in preventing the  
14 victimization of society by crime; and

15                   (4) provide information related to the studies of the  
16 institute.

17           **(c)** [~~SUBCHAPTER B. CRIME VICTIMS' INSTITUTE~~

18                   [~~Sec. 412.011. GENERAL PROVISION.~~] The headquarters of the  
19 institute are at Sam Houston State University in Huntsville, Texas.  
20 The institute is under the supervision and direction of the  
21 president of Sam Houston State University [~~Crime Victims' Institute~~  
22 ~~is created in the office of the attorney general~~].

23           **(d)** [~~Sec. 412.012. DUTIES OF INSTITUTE.~~] The institute  
24 shall:

25                   (1) conduct an in-depth analysis of the impact of  
26 crime on:

27                           (A) victims;

1 (B) close relatives of deceased victims;

2 (C) guardians of victims; and

3 (D) society;

4 (2) evaluate the effectiveness of and deficiencies in  
5 the criminal justice system and the juvenile justice system in  
6 addressing the needs of victims, close relatives of deceased  
7 victims, and guardians of victims and recommend strategies to  
8 address the deficiencies of each system;

9 (3) determine the long-range needs of victims, close  
10 relatives of deceased victims, and guardians of victims as the  
11 needs relate to the criminal justice system and the juvenile  
12 justice system and recommend changes for each system;

13 (4) assess the cost-effectiveness of existing  
14 policies and programs in the criminal justice system and the  
15 juvenile justice system relating to victims, close relatives of  
16 deceased victims, and guardians of victims;

17 (5) make general recommendations for improving the  
18 service delivery systems for victims in the State of Texas;

19 (6) advise and assist the legislature in developing  
20 plans, programs, and legislation for improving the effectiveness of  
21 the criminal justice system and juvenile justice system in  
22 addressing the needs of victims, close relatives of deceased  
23 victims, and guardians of victims;

24 (7) make computations of daily costs and compare  
25 interagency costs on victims' services provided by agencies that  
26 are a part of the criminal justice system and the juvenile justice  
27 system;

1           (8) determine the costs to attorneys representing the  
2 state of performing statutory and constitutional duties relating to  
3 victims, close relatives of deceased victims, or guardians of  
4 victims;

5           (9) make statistical computations for use in planning  
6 for the long-range needs of the criminal justice system and the  
7 juvenile justice system as those needs relate to victims, close  
8 relatives of deceased victims, and guardians of victims;

9           (10) determine the long-range information needs of the  
10 criminal justice system and the juvenile justice system as those  
11 needs relate to victims, close relatives of deceased victims, and  
12 guardians of victims;

13           (11) enter into a memorandum of understanding with the  
14 Texas Crime Victim Clearinghouse to provide training and education  
15 related to the outcome of research and duties as conducted under  
16 Subdivisions (1)-(10);

17           (12) issue periodic reports to the attorney general  
18 and the legislature on the progress toward accomplishing the duties  
19 of the institute; and

20           (13) engage in other research activities consistent  
21 with the duties of the institute.

22           (e) [~~Sec. 412.013. INTERAGENCY COOPERATION. (a)~~] The  
23 institute shall cooperate with the Criminal Justice Policy Council  
24 in performing the duties of the institute.

25           (f) [~~(b)~~] The institute may enter into memoranda of  
26 understanding with state agencies in performing the duties of the  
27 institute.

1        (g) [~~(e)~~] Local law enforcement agencies shall cooperate  
2 with the institute by providing to the institute access to  
3 information that is necessary for the performance of the duties of  
4 the institute.

5        (h) [~~Sec. 412.014. PERSONNEL.~~] The president of Sam  
6 Houston State University [~~attorney general~~] may employ personnel as  
7 necessary to perform the duties of the institute.

8        (i) [~~Sec. 412.015. CONTRACTUAL AUTHORITY.~~ ~~(a) The~~  
9 ~~attorney general may contract with public or private entities in~~  
10 ~~the performance of the duties of the institute.~~

11        [~~(b)~~] The institute may contract with public or private  
12 entities in the performance of the duties of the institute.

13        (j) [~~Sec. 412.016. GIFTS, GRANTS, DONATIONS,~~  
14 ~~APPROPRIATIONS.~~ ~~(a)~~] The [~~attorney general or the~~] institute may  
15 accept gifts, grants, donations, or matching funds from a public or  
16 private source for the performance of the duties of the institute.

17        [~~(b)~~] The legislature may appropriate money to the  
18 institute to finance the performance of the duties of the  
19 institute.

20        [~~(c)~~] Money and appropriations received by [~~the attorney~~  
21 ~~general or~~] the institute under this subsection [~~section~~] shall be  
22 deposited as provided by Section 96.652 [~~412.081~~].

23        [~~SUBCHAPTER C. CRIME VICTIMS' INSTITUTE ADVISORY COUNCIL~~]

24        Sec. 96.651 [~~412.051~~]. CRIME VICTIMS' INSTITUTE [~~CREATION~~  
25 ~~AND COMPOSITION OF~~] ADVISORY COUNCIL. (a) In this section:

26                (1) "Advisory council" means the Crime Victims'  
27 Institute Advisory Council.

1           (2) "Victim" has the meaning assigned by Article  
2 56.01, Code of Criminal Procedure.

3           (b) The Crime Victims' Institute Advisory Council is  
4 created as an advisory council to the Crime Victims' Institute  
5 [~~institute~~].

6           (c) [~~(b)~~] The advisory council is composed of the attorney  
7 general and the following individuals, each of whom is appointed by  
8 the governor [~~attorney general~~]:

- 9           (1) a victim;
- 10           (2) a member of the house of representatives;
- 11           (3) a member of the senate;
- 12           (4) a county judge or district judge whose primary  
13 responsibility is to preside over criminal cases;
- 14           (5) a district attorney, criminal district attorney,  
15 county attorney who prosecutes felony offenses, or county attorney  
16 who prosecutes mostly criminal cases;
- 17           (6) a law enforcement officer;
- 18           (7) a crime victims' assistance coordinator;
- 19           (8) a crime victims' liaison;
- 20           (9) a mental health professional with substantial  
21 experience in the care and treatment of victims;
- 22           (10) a person with broad knowledge of sexual assault  
23 issues;
- 24           (11) a person with broad knowledge of domestic  
25 violence issues;
- 26           (12) a person with broad knowledge of child abuse  
27 issues;

1           (13) a person with broad knowledge of issues relating  
2 to the intoxication offenses described by Chapter 49, Penal Code;

3           (14) a person with broad knowledge of homicide issues;

4           (15) a person with broad knowledge of research  
5 methods; and

6           (16) a designee of the governor.

7           (d) [~~(c)~~] The advisory council shall select a presiding  
8 officer from among the council members and other officers that the  
9 council considers necessary.

10          (e) [~~Sec. 412.052. MEETINGS.~~] The advisory council shall  
11 meet at the call of the presiding officer.

12          (f) Appointed [~~Sec. 412.053. TENURE OF MEMBERS. The~~]  
13 members of the advisory council serve for staggered two-year terms,  
14 with the terms of eight of the members expiring on January 31 of  
15 each even-numbered year and the terms of eight [~~seven~~] members  
16 expiring on January 31 of each odd-numbered year.

17          (g) [~~Sec. 412.054. SERVICE ADDITIONAL DUTY OF OFFICE.~~]  
18 Service on the advisory council by a public officer or employee is  
19 an additional duty of the office or employment.

20          (h) [~~Sec. 412.055. COMPENSATION AND REIMBURSEMENT.~~] A  
21 member of the advisory council serves without compensation for  
22 service on the council but may be reimbursed for actual and  
23 necessary expenses incurred while performing council duties.

24          (i) [~~Sec. 412.056. APPOINTMENT OF OTHER ADVISORY BODIES.~~]  
25 The advisory council may establish advisory task forces or  
26 committees that the council considers necessary to accomplish the  
27 purposes of this section and Sections 96.65 and 96.652 [~~chapter~~].

1           (j) [~~Sec. 412.057. DUTIES OF ADVISORY COUNCIL.~~] The  
2 advisory council shall advise the Crime Victims' Institute  
3 [~~institute~~] on issues relating directly to the duties of the  
4 institute as set forth under Section 96.65(d) [~~412.012~~].

5           [~~SUBCHAPTER D. CRIME VICTIMS' INSTITUTE ACCOUNT~~]

6           Sec. 96.652 [~~412.081~~]. CRIME VICTIMS' INSTITUTE ACCOUNT;  
7 AUDIT; REPORT. (a) The Crime Victims' Institute account is an  
8 account in the general revenue fund.

9           (b) The Crime Victims' Institute [~~attorney general~~] may use  
10 funds from the Crime Victims' Institute account to carry out the  
11 purposes of this section and Sections 96.65 and 96.651 [~~chapter~~].

12           (c) The comptroller shall deposit the funds received under  
13 Section 96.65 [~~this chapter~~] to the credit of the Crime Victims'  
14 Institute account.

15           (d) Funds spent are subject to audit by the state auditor.

16           (e) [~~Section 403.094 does not apply to funds collected under~~  
17 ~~this chapter.~~]

18           [~~Sec. 412.082. ANNUAL REPORT. (a)~~] The Crime Victims'  
19 Institute [~~institute~~] shall file annually with the governor and the  
20 presiding officer of each house of the legislature a complete and  
21 detailed written report accounting for all funds received and  
22 disbursed by the institute during the preceding year.

23           [~~(b)~~] The form of the annual report and the reporting time  
24 shall be as provided by the General Appropriations Act.

25           [~~(c)~~] The Crime Victims' Institute [~~institute~~] shall  
26 determine the format and contents of the report and may have copies  
27 of the report printed for distribution as the institute considers



1 appropriate.

2 SECTION 2. Subsection (b), Article 56.54, Code of Criminal  
3 Procedure, is amended to read as follows:

4 (b) Except as provided by Subsections (h), (i), (j), and (k)  
5 and Article 56.541, the compensation to victims of crime fund may be  
6 used only by the attorney general for the payment of compensation to  
7 claimants or victims under this subchapter. For purposes of this  
8 subsection, compensation to claimants or victims includes money  
9 allocated from the fund to~~[,]~~ ~~the [operation of the]~~ Crime Victims'  
10 Institute created by Section 96.65 ~~[Chapter 412]~~, Education  
11 ~~[Government]~~ Code, for the operation of the institute and for other  
12 expenses in administering this subchapter. The institute shall use  
13 money allocated from the fund only for the purposes of Sections  
14 96.65, 96.651, and 96.652, Education Code.

15 SECTION 3. Section 411.130, Government Code, is amended to  
16 read as follows:

17 Sec. 411.130. ACCESS TO CRIMINAL HISTORY RECORD  
18 INFORMATION; CRIME VICTIMS' INSTITUTE. The Crime Victims'  
19 Institute is entitled to obtain from the department criminal  
20 history record information maintained by the department that the  
21 institute believes is necessary for the performance of the duties  
22 of the institute under Section 96.65, Education Code ~~[Chapter 412]~~.

23 SECTION 4. (a) The terms of the current members of the  
24 Crime Victims' Institute Advisory Council expire on the effective  
25 date of this Act.

26 (b) As soon as practicable after the effective date of this  
27 Act, the governor shall appoint new members to the Crime Victims'

1 Institute Advisory Council, as provided by Section 96.651,  
2 Education Code, as added by this Act. The terms of eight members,  
3 determined by lot, expire January 31, 2005. The terms of eight  
4 members, determined by lot, expire January 31, 2006.

5 SECTION 5. On the effective date of this Act:

6 (1) all powers, duties, and obligations relating to  
7 the Crime Victims' Institute are transferred from the attorney  
8 general to Sam Houston State University;

9 (2) all property in the custody of the attorney  
10 general and the original or a copy of any record that relates to the  
11 Crime Victims' Institute are transferred to the university;

12 (3) all unexpended appropriations to the attorney  
13 general for the operation of the Crime Victims' Institute are  
14 transferred to the university; and

15 (4) all rules, standards, and specifications of the  
16 attorney general relating to the operation of the Crime Victims'  
17 Institute remain in effect as rules, standards, and specifications  
18 of Sam Houston State University unless superseded by the president  
19 of the university.

20 SECTION 6. This Act takes effect September 1, 2003.