

1-1 By: Armbrister S.B. No. 1245
1-2 (In the Senate - Filed March 12, 2003; March 19, 2003, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 May 7, 2003, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; May 7, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the governance of the Crime Victims' Institute.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Chapter 412, Government Code, is transferred to
1-11 Subchapter D, Chapter 96, Education Code, redesignated as Sections
1-12 96.65, 96.651, and 96.652, and amended to read as follows:

1-13 ~~[CHAPTER 412. CRIME VICTIMS' INSTITUTE AND CRIME VICTIMS'~~
1-14 ~~INSTITUTE ADVISORY COUNCIL~~

1-15 ~~[SUBCHAPTER A. GENERAL PROVISIONS]~~

1-16 Sec. 96.65 ~~[412.001]~~. CRIME VICTIMS' INSTITUTE ~~[DEFINITIONS]~~.

1-17 (a) In this section ~~[chapter]~~:

1-18 (1) ~~["Advisory council" means the Crime Victims'~~
1-19 ~~Institute Advisory Council.~~

1-20 ~~[(2)] "Close relative of a deceased victim" has the~~
1-21 meaning assigned by Article 56.01, Code of Criminal Procedure.

1-22 (2) ~~[(3)] "Guardian of a victim" has the meaning~~
1-23 assigned by Article 56.01, Code of Criminal Procedure.

1-24 (3) ~~[(4)] "Institute" means the Crime Victims'~~
1-25 Institute.

1-26 (4) ~~[(5)] "Service provider" means an individual or~~
1-27 ~~organization that provides assistance to victims, close relatives~~
1-28 ~~of deceased victims, or guardians of victims.~~

1-29 ~~[(6)] "Victim" has the meaning assigned by Article~~
1-30 56.01, Code of Criminal Procedure.

1-31 (b) ~~[Sec. 412.002. LEGISLATIVE INTENT.]~~ It is the intent
1-32 of the legislature to create an institute to:

1-33 (1) compile and study information concerning the
1-34 impact of crime on:

1-35 (A) victims;

1-36 (B) close relatives of deceased victims;

1-37 (C) guardians of victims; and

1-38 (D) society;

1-39 (2) use information compiled by the institute to
1-40 evaluate the effectiveness of criminal justice policy and juvenile
1-41 justice policy in preventing the victimization of society by crime;

1-42 (3) develop policies to assist the criminal justice
1-43 system and the juvenile justice system in preventing the
1-44 victimization of society by crime; and

1-45 (4) provide information related to the studies of the
1-46 institute.

1-47 (c) ~~[SUBCHAPTER B. CRIME VICTIMS' INSTITUTE~~

1-48 ~~[Sec. 412.011. GENERAL PROVISION.]~~ The headquarters of the
1-49 institute are at Sam Houston State University in Huntsville, Texas.
1-50 The institute is under the supervision and direction of the
1-51 president of Sam Houston State University ~~[Crime Victims' Institute~~
1-52 ~~is created in the office of the attorney general].~~

1-53 (d) ~~[Sec. 412.012. DUTIES OF INSTITUTE.]~~ The institute
1-54 shall:

1-55 (1) conduct an in-depth analysis of the impact of
1-56 crime on:

1-57 (A) victims;

1-58 (B) close relatives of deceased victims;

1-59 (C) guardians of victims; and

1-60 (D) society;

1-61 (2) evaluate the effectiveness of and deficiencies in
1-62 the criminal justice system and the juvenile justice system in
1-63 addressing the needs of victims, close relatives of deceased
1-64 victims, and guardians of victims and recommend strategies to

2-1 address the deficiencies of each system;

2-2 (3) determine the long-range needs of victims, close

2-3 relatives of deceased victims, and guardians of victims as the

2-4 needs relate to the criminal justice system and the juvenile

2-5 justice system and recommend changes for each system;

2-6 (4) assess the cost-effectiveness of existing

2-7 policies and programs in the criminal justice system and the

2-8 juvenile justice system relating to victims, close relatives of

2-9 deceased victims, and guardians of victims;

2-10 (5) make general recommendations for improving the

2-11 service delivery systems for victims in the State of Texas;

2-12 (6) advise and assist the legislature in developing

2-13 plans, programs, and legislation for improving the effectiveness of

2-14 the criminal justice system and juvenile justice system in

2-15 addressing the needs of victims, close relatives of deceased

2-16 victims, and guardians of victims;

2-17 (7) make computations of daily costs and compare

2-18 interagency costs on victims' services provided by agencies that

2-19 are a part of the criminal justice system and the juvenile justice

2-20 system;

2-21 (8) determine the costs to attorneys representing the

2-22 state of performing statutory and constitutional duties relating to

2-23 victims, close relatives of deceased victims, or guardians of

2-24 victims;

2-25 (9) make statistical computations for use in planning

2-26 for the long-range needs of the criminal justice system and the

2-27 juvenile justice system as those needs relate to victims, close

2-28 relatives of deceased victims, and guardians of victims;

2-29 (10) determine the long-range information needs of the

2-30 criminal justice system and the juvenile justice system as those

2-31 needs relate to victims, close relatives of deceased victims, and

2-32 guardians of victims;

2-33 (11) enter into a memorandum of understanding with the

2-34 Texas Crime Victim Clearinghouse to provide training and education

2-35 related to the outcome of research and duties as conducted under

2-36 Subdivisions (1)-(10);

2-37 (12) issue periodic reports to the attorney general

2-38 and the legislature on the progress toward accomplishing the duties

2-39 of the institute; and

2-40 (13) engage in other research activities consistent

2-41 with the duties of the institute.

2-42 (e) [~~Sec. 412.013. INTERAGENCY COOPERATION.~~ (a)] The

2-43 institute shall cooperate with the Criminal Justice Policy Council

2-44 in performing the duties of the institute.

2-45 (f) [~~(b)~~] The institute may enter into memoranda of

2-46 understanding with state agencies in performing the duties of the

2-47 institute.

2-48 (g) [~~(c)~~] Local law enforcement agencies shall cooperate

2-49 with the institute by providing to the institute access to

2-50 information that is necessary for the performance of the duties of

2-51 the institute.

2-52 (h) [~~Sec. 412.014. PERSONNEL.~~] The president of Sam

2-53 Houston State University [~~attorney general~~] may employ personnel as

2-54 necessary to perform the duties of the institute.

2-55 (i) [~~Sec. 412.015. CONTRACTUAL AUTHORITY.~~ (a)] The

2-56 ~~attorney general may contract with public or private entities in~~

2-57 ~~the performance of the duties of the institute.~~

2-58 [~~(b)~~] The institute may contract with public or private

2-59 entities in the performance of the duties of the institute.

2-60 (j) [~~Sec. 412.016. GIFTS, GRANTS, DONATIONS,~~

2-61 ~~APPROPRIATIONS.~~ (a)] The [~~attorney general or the~~] institute may

2-62 accept gifts, grants, donations, or matching funds from a public or

2-63 private source for the performance of the duties of the institute.

2-64 [~~(b)~~] The legislature may appropriate money to the

2-65 institute to finance the performance of the duties of the

2-66 institute.

2-67 [~~(c)~~] Money and appropriations received by [~~the attorney~~

2-68 ~~general or~~] the institute under this subsection [~~section~~] shall be

2-69 deposited as provided by Section 96.652 [~~412.081~~].

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

3-1 Sec. ~~96.651~~ ~~[412.051]~~. ~~CRIME VICTIMS' INSTITUTE~~ ~~[CREATION~~
3-2 ~~AND COMPOSITION OF]~~ ADVISORY COUNCIL. (a) In this section:

3-3 (1) "Advisory council" means the Crime Victims'
3-4 Institute Advisory Council.

3-5 (2) "Victim" has the meaning assigned by Article
3-6 56.01, Code of Criminal Procedure.

3-7 (b) The Crime Victims' Institute Advisory Council is
3-8 created as an advisory council to the Crime Victims' Institute
3-9 ~~[institute]~~.

3-10 (c) ~~[(b)]~~ The advisory council is composed of the attorney
3-11 general and the following individuals, each of whom is appointed by
3-12 the governor ~~[attorney general]~~:

- 3-13 (1) a victim;
- 3-14 (2) a member of the house of representatives;
- 3-15 (3) a member of the senate;
- 3-16 (4) a county judge or district judge whose primary
3-17 responsibility is to preside over criminal cases;
- 3-18 (5) a district attorney, criminal district attorney,
3-19 county attorney who prosecutes felony offenses, or county attorney
3-20 who prosecutes mostly criminal cases;
- 3-21 (6) a law enforcement officer;
- 3-22 (7) a crime victims' assistance coordinator;
- 3-23 (8) a crime victims' liaison;
- 3-24 (9) a mental health professional with substantial
3-25 experience in the care and treatment of victims;
- 3-26 (10) a person with broad knowledge of sexual assault
3-27 issues;
- 3-28 (11) a person with broad knowledge of domestic
3-29 violence issues;
- 3-30 (12) a person with broad knowledge of child abuse
3-31 issues;
- 3-32 (13) a person with broad knowledge of issues relating
3-33 to the intoxication offenses described by Chapter 49, Penal Code;
- 3-34 (14) a person with broad knowledge of homicide issues;
- 3-35 (15) a person with broad knowledge of research
3-36 methods; and
- 3-37 (16) a designee of the governor.

3-38 (d) ~~[(c)]~~ The advisory council shall select a presiding
3-39 officer from among the council members and other officers that the
3-40 council considers necessary.

3-41 (e) ~~[Sec. 412.052. MEETINGS.]~~ The advisory council shall
3-42 meet at the call of the presiding officer.

3-43 (f) Appointed ~~[Sec. 412.053. TENURE OF MEMBERS. The]~~
3-44 members of the advisory council serve for staggered two-year terms,
3-45 with the terms of eight of the members expiring on January 31 of
3-46 each even-numbered year and the terms of eight ~~[seven]~~ members
3-47 expiring on January 31 of each odd-numbered year.

3-48 (g) ~~[Sec. 412.054. SERVICE ADDITIONAL DUTY OF OFFICE.]~~
3-49 Service on the advisory council by a public officer or employee is
3-50 an additional duty of the office or employment.

3-51 (h) ~~[Sec. 412.055. COMPENSATION AND REIMBURSEMENT.]~~ A
3-52 member of the advisory council serves without compensation for
3-53 service on the council but may be reimbursed for actual and
3-54 necessary expenses incurred while performing council duties.

3-55 (i) ~~[Sec. 412.056. APPOINTMENT OF OTHER ADVISORY BODIES.]~~
3-56 The advisory council may establish advisory task forces or
3-57 committees that the council considers necessary to accomplish the
3-58 purposes of this section and Sections 96.65 and 96.652 ~~[chapter]~~.

3-59 (j) ~~[Sec. 412.057. DUTIES OF ADVISORY COUNCIL.]~~ The
3-60 advisory council shall advise the Crime Victims' Institute
3-61 ~~[institute]~~ on issues relating directly to the duties of the
3-62 institute as set forth under Section 96.65(d) ~~[412.012]~~.

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

3-63 Sec. ~~96.652~~ ~~[412.081]~~. CRIME VICTIMS' INSTITUTE ACCOUNT;
3-64 AUDIT; REPORT. (a) The Crime Victims' Institute account is an
3-65 account in the general revenue fund.

3-66 (b) The Crime Victims' Institute ~~[attorney general]~~ may use
3-67 funds from the Crime Victims' Institute account to carry out the
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4-1 purposes of this section and Sections 96.65 and 96.651 [~~chapter~~].

4-2 (c) The comptroller shall deposit the funds received under
4-3 Section 96.65 [~~this chapter~~] to the credit of the Crime Victims'
4-4 Institute account.

4-5 (d) Funds spent are subject to audit by the state auditor.

4-6 (e) [~~Section 403.094 does not apply to funds collected under~~
4-7 ~~this chapter.~~

4-8 [~~Sec. 412.082. ANNUAL REPORT.~~ (a)] The Crime Victims'
4-9 Institute [~~institute~~] shall file annually with the governor and the
4-10 presiding officer of each house of the legislature a complete and
4-11 detailed written report accounting for all funds received and
4-12 disbursed by the institute during the preceding year.

4-13 [~~(b)~~] The form of the annual report and the reporting time
4-14 shall be as provided by the General Appropriations Act.

4-15 [~~(c)~~] The Crime Victims' Institute [~~institute~~] shall
4-16 determine the format and contents of the report and may have copies
4-17 of the report printed for distribution as the institute considers
4-18 appropriate.

4-19 SECTION 2. Subsection (b), Article 56.54, Code of Criminal
4-20 Procedure, is amended to read as follows:

4-21 (b) Except as provided by Subsections (h), (i), (j), and (k)
4-22 and Article 56.541, the compensation to victims of crime fund may be
4-23 used only by the attorney general for the payment of compensation to
4-24 claimants or victims under this subchapter. For purposes of this
4-25 subsection, compensation to claimants or victims includes money
4-26 allocated from the fund to [~~r~~] the [~~operation of the~~] Crime Victims'
4-27 Institute created by Section 96.65 [~~Chapter 412~~], Education
4-28 [~~Government~~] Code, for the operation of the institute and for other
4-29 expenses in administering this subchapter. The institute shall use
4-30 money allocated from the fund only for the purposes of Sections
4-31 96.65, 96.651, and 96.652, Education Code.

4-32 SECTION 3. Section 411.130, Government Code, is amended to
4-33 read as follows:

4-34 Sec. 411.130. ACCESS TO CRIMINAL HISTORY RECORD
4-35 INFORMATION; CRIME VICTIMS' INSTITUTE. The Crime Victims'
4-36 Institute is entitled to obtain from the department criminal
4-37 history record information maintained by the department that the
4-38 institute believes is necessary for the performance of the duties
4-39 of the institute under Section 96.65, Education Code [~~Chapter 412~~].

4-40 SECTION 4. (a) The terms of the current members of the
4-41 Crime Victims' Institute Advisory Council expire on the effective
4-42 date of this Act.

4-43 (b) As soon as practicable after the effective date of this
4-44 Act, the governor shall appoint new members to the Crime Victims'
4-45 Institute Advisory Council, as provided by Section 96.651,
4-46 Education Code, as added by this Act. The terms of eight members,
4-47 determined by lot, expire January 31, 2005. The terms of eight
4-48 members, determined by lot, expire January 31, 2006.

4-49 SECTION 5. On the effective date of this Act:

4-50 (1) all powers, duties, and obligations relating to
4-51 the Crime Victims' Institute are transferred from the attorney
4-52 general to Sam Houston State University;

4-53 (2) all property in the custody of the attorney
4-54 general and the original or a copy of any record that relates to the
4-55 Crime Victims' Institute are transferred to the university;

4-56 (3) all unexpended appropriations to the attorney
4-57 general for the operation of the Crime Victims' Institute are
4-58 transferred to the university; and

4-59 (4) all rules, standards, and specifications of the
4-60 attorney general relating to the operation of the Crime Victims'
4-61 Institute remain in effect as rules, standards, and specifications
4-62 of Sam Houston State University unless superseded by the president
4-63 of the university.

4-64 SECTION 6. This Act takes effect September 1, 2003.

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