

By: Hopson

H.B. No. 690

A BILL TO BE ENTITLED

AN ACT

relating to the definition of criminally injurious conduct for purposes of the Crime Victims' Compensation Act.

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

SECTION 1. Section 56.32(a)(4), Code of Criminal Procedure, is amended to read as follows:

(4) "Criminally injurious conduct" means conduct that:

(A) occurs or is attempted;

(B) poses a substantial threat of personal injury or death;

(C) is punishable by fine, imprisonment, or death, or would be punishable by fine, imprisonment, or death if the person engaging in the conduct possessed capacity to commit the conduct; and

(D) does not arise out of the ownership, maintenance, or use of a motor vehicle, aircraft, or water vehicle, unless the conduct is intended to cause personal injury or death or the conduct is in violation of Section 545.157 or 545.401, Transportation Code, and results in bodily injury or death, or is in violation of Section 550.021, Transportation Code, or one or more of the following sections of the Penal Code:

(i) Section 19.04 (manslaughter);

(ii) Section 19.05 (criminally negligent

1 homicide);
2 (iii) Section 22.02 (aggravated assault);
3 (iv) Section 22.05 (deadly conduct);
4 (v) Section 49.04 (driving while
5 intoxicated);
6 (vii) [~~(v)~~] Section 49.05 (flying while
7 intoxicated);
8 (viii) [~~(vi)~~] Section 49.06 (boating while
9 intoxicated);
10 (ix) [~~(vii)~~] Section 49.07 (intoxication
11 assault); or
12 (x) [~~(viii)~~] Section 49.08 (intoxication
13 manslaughter).

14 SECTION 2. The changes in law made by this Act apply only to
15 compensation for criminally injurious conduct occurring on or after
16 the effective date of this Act. Compensation for criminally
17 injurious conduct occurring before the effective date of this Act
18 is covered by the law in effect when the conduct occurred, and the
19 former law is continued in effect for that purpose. For purposes of
20 this section, criminally injurious conduct occurred before the
21 effective date of this Act if any element of the offense underlying
22 the conduct occurred before that date.

23 SECTION 3. This Act takes effect September 1, 2005.