

By: Hegar

H.B. No. 796

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the provision of crime victims' compensation to a
3 victim or a dependent of a victim.

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

5 SECTION 1. Article 56.32(a)(5), Code of Criminal Procedure,
6 is amended to read as follows:

7 (5) "Dependent" means:

8 (A) a surviving spouse;

9 (B) a person who is a dependent, within the
10 meaning of the Internal Revenue Code, of a victim; or ~~and~~

11 (C) a posthumous child of a deceased victim.

12 SECTION 2. Article 56.32(a)(9), Code of Criminal Procedure,
13 as amended by Section 1, Chapter 1286, and Section 2, Chapter 1303,
14 Acts of the 78th Legislature, Regular Session, 2003, is reenacted
15 and amended to read as follows:

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

19 (A) medical, hospital, nursing, or psychiatric
20 care or counseling, or physical therapy;

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

23 (i) a disability resulting from the
24 personal injury;

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

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

9 (C) care of a child or dependent;

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

13 (E) loss of support to a dependent or, if the loss
14 of support is the direct result of the arrest of a person suspected
15 of having engaged in the criminally injurious conduct, to a victim
16 of family violence or a victim of sexual assault, consistent with
17 Article 56.41(b)(5);

18 (F) reasonable and necessary costs of cleaning
19 the crime scene;

20 (G) reasonable replacement costs for clothing,
21 bedding, or property of the victim seized as evidence or rendered
22 unusable as a result of the criminal investigation;

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

27 [~~and~~]

1 (I) for an immediate family member or household
2 member of a deceased victim, bereavement leave of not more than 10
3 work days; and [~~→~~]

4 (J) [~~(I)~~] reasonable and necessary costs of
5 traveling to and from a place of execution for the purpose of
6 witnessing the execution, including one night's lodging near the
7 place at which the execution is conducted.

8 SECTION 3. The changes in law made by this Act apply only to
9 a pecuniary loss arising from the personal injury or death of a
10 victim of a criminal offense committed or a violation that occurs on
11 or after the effective date of this Act. A pecuniary loss arising
12 from the personal injury or death of a victim of a criminal offense
13 committed or a violation that occurred before the effective date of
14 this Act is covered by the law in effect when the criminal offense
15 was committed or the violation occurred, and the former law is
16 continued in effect for that purpose. For purposes of this section,
17 a criminal offense was committed or a violation occurred before the
18 effective date of this Act if any element of the offense or
19 violation occurred before that date.

20 SECTION 4. This Act takes effect September 1, 2005.