

By: Seliger

S.B. No. 394

A BILL TO BE ENTITLED

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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. Subdivision (4), Subsection (a), Section 56.32, 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 (vi) [~~(v)~~] Section 49.05 (flying while
- 7 intoxicated);
- 8 (vii) [~~(vi)~~] Section 49.06 (boating while
- 9 intoxicated);
- 10 (viii) [~~(vii)~~] Section 49.07 (intoxication
- 11 assault); or
- 12 (ix) [~~(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.