

1-1 By: Seliger S.B. No. 394
1-2 (In the Senate - Filed February 8, 2005; February 15, 2005,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 13, 2005, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 13, 2005, sent to printer.)

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

1-8 relating to the definition of criminally injurious conduct for
1-9 purposes of the Crime Victims' Compensation Act.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subdivision (4), Subsection (a), Section 56.32,
1-12 Code of Criminal Procedure, is amended to read as follows:

1-13 (4) "Criminally injurious conduct" means conduct
1-14 that:

1-15 (A) occurs or is attempted;

1-16 (B) poses a substantial threat of personal injury
1-17 or death;

1-18 (C) is punishable by fine, imprisonment, or
1-19 death, or would be punishable by fine, imprisonment, or death if the
1-20 person engaging in the conduct possessed capacity to commit the
1-21 conduct; and

1-22 (D) does not arise out of the ownership,
1-23 maintenance, or use of a motor vehicle, aircraft, or water vehicle,
1-24 unless the conduct is intended to cause personal injury or death or
1-25 the conduct is in violation of Section 545.157 or 545.401,
1-26 Transportation Code, and results in bodily injury or death, or is in
1-27 violation of Section 550.021, Transportation Code, or one or more
1-28 of the following sections of the Penal Code:

1-29 (i) Section 19.04 (manslaughter);

1-30 (ii) Section 19.05 (criminally negligent
1-31 homicide);

1-32 (iii) Section 22.02 (aggravated assault);

1-33 (iv) Section 22.05 (deadly conduct);

1-34 (v) Section 49.04 (driving while
1-35 intoxicated);

1-36 (vi) [~~(v)~~] Section 49.05 (flying while
1-37 intoxicated);

1-38 (vii) [~~(vi)~~] Section 49.06 (boating while
1-39 intoxicated);

1-40 (viii) [~~(vii)~~] Section 49.07 (intoxication
1-41 assault); or

1-42 (ix) [~~(viii)~~] Section 49.08 (intoxication
1-43 manslaughter).

1-44 SECTION 2. The changes in law made by this Act apply only to
1-45 compensation for criminally injurious conduct occurring on or after
1-46 the effective date of this Act. Compensation for criminally
1-47 injurious conduct occurring before the effective date of this Act
1-48 is covered by the law in effect when the conduct occurred, and the
1-49 former law is continued in effect for that purpose. For purposes of
1-50 this section, criminally injurious conduct occurred before the
1-51 effective date of this Act if any element of the offense underlying
1-52 the conduct occurred before that date.

1-53 SECTION 3. This Act takes effect September 1, 2005.

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