

BILL ANALYSIS

C.S.H.B. 3416
By: Garcia
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Due to the nature of certain crimes, including capital murder, aggravated sexual assault, and sexual crimes against children, many jurors are traumatically affected by the graphic evidence and testimony. In order to alleviate the psychological impact of this evidence and testimony, C.S.H.B. 3416 would codify the practice of making not more than 10 hours of crime victim counseling available to jurors and alternate jurors who participate in these trials, through local victim liaisons who are trained to work with crime victims. Several courts across the U.S. have made counseling and debriefing available to jurors on an informal basis.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3416 amends the Code of Criminal Procedure to allow the commissioners court to approve a program in which the crime victim liaison or victim assistance coordinator may offer not more than 10 hours of posttrial psychological counseling for a person who serves as a juror or an alternate juror in the trial of an offense under Section 19.02, 19.03, 21.11, 22.011, 22.021, 43.05, 43.25, or 43.251, Penal Code, involving graphic evidence or testimony and who requests the posttrial psychological counseling not later than the 180th day after the date on which the jury in the trial is dismissed. The crime victim liaison or victim assistance coordinator is authorized to provide the counseling using a provider that assists local criminal justice agencies in providing similar services to victims.

The bill also amends the Government Code to provide that a prospective juror reporting for jury service must be provided a form letter that when signed by the juror directs the county treasurer to donate all of the juror's reimbursement for jury service to any other program approved by the commissioners court of the county, including a program established under Article 56.04(f), Code of Criminal Procedure, that offers psychological counseling to jurors in criminal cases involving graphic evidence or testimony.

The change in law made by this Act in adding Article 56.04(f), Code of Criminal Procedure, applies only to the provision of counseling for a juror or an alternate juror in a criminal trial that begins on or after the effective date of this Act.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute provides that the commissioners court may approve a program in which the crime victim liaison or victim assistance coordinator may offer not more than 10 hours of posttrial psychological counseling for a person who serves as a juror or an alternate juror in the trial of an offense under Section 19.02, 19.03, 21.11, 22.011, 22.021, 43.05, 43.25, or 43.251, Penal Code, involving graphic evidence or testimony and who requests the posttrial psychological counseling not later than the 180th day after the date on which the jury in the trial is dismissed. The original provided that the crime victim liaison may arrange for not more than 10 hours of post-trial

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psychological counseling for a person who serves as a juror or an alternate juror in the trial of an offense under Section 15.031 or 33.021, Penal Code, or Chapter 19, 21, 22, 25, or 43, Penal Code, involving graphic evidence or testimony.

The substitute adds victim assistance coordinator to authorize them to provide the counseling using a provider that assists local criminal justice agencies in providing similar services to victims.

The substitute amends the Government Code to provide that a prospective juror reporting for jury service must be provided a form letter that when signed by the juror directs the county treasurer to donate all of the juror's reimbursement for jury service to any other program approved by the commissioners court of the county, including a program established under Article 56.04(f), Code of Criminal Procedure, that offers psychological counseling to jurors in criminal cases involving graphic evidence or testimony; whereas, the original did not.