

BILL ANALYSIS

H.B. 608
By: Castro
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a commissioners court of a county is authorized to approve programs in which not more than 10 hours of posttrial psychological counseling may be offered to jurors or alternate jurors in certain criminal cases involving graphic evidence or testimony. Such counseling is authorized to be provided to jurors or alternate jurors in only certain criminal trials and juvenile adjudication hearings involving graphic evidence or testimony.

Many jurors may experience physical or psychological distress after exposure to graphic evidence or testimony. Experts now recognize that post-traumatic stress and post-traumatic stress disorder (PTSD) can be experienced vicariously. Symptoms of post-traumatic stress and PTSD can be physical, behavioral, emotional, or mental. Some symptoms reported by jurors include sleeplessness, stomach distress, nervousness, tension, headaches, heart palpitations, sexual dysfunction, depression, disruptions in eating patterns, and substance abuse. The possibility that citizens may experience emotional or physical harm as a consequence of fulfilling a civic duty is a great concern. The availability of counseling services would be beneficial to those who experience posttrial stress.

H.B. 608 authorizes a 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 any criminal trial involving graphic evidence or testimony. The bill also authorizes a county juvenile board to approve a program in which the victim assistance coordinator in the board's jurisdiction may offer not more than 10 hours of posttrial psychological counseling for a person who serves as a juror or an alternate juror in a juvenile adjudication hearing involving graphic evidence or testimony.

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

H.B. 608 amends the Code of Criminal Procedure to authorize a 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 any criminal trial involving graphic evidence or testimony, rather than only in a trial of an offense of murder, capital murder, indecency with a child, sexual assault, aggravated sexual assault, compelling prostitution, sexual performance by a child, or employment harmful to children involving graphic evidence or testimony.

H.B. 608 amends the Family Code to authorize a county juvenile board to approve a program in which the victim assistance coordinator in the board's jurisdiction may offer not more than 10 hours of posttrial psychological counseling for a person who serves as a juror or an alternate juror in a juvenile adjudication hearing 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 adjudication hearing is dismissed. The bill authorizes the victim assistance coordinator to provide the counseling using a provider that assists local juvenile justice agencies in providing similar services to victims.

EFFECTIVE DATE

September 1, 2009.