

## **BILL ANALYSIS**

Senate Research Center  
81R17198 PEP-D

H.B. 2236  
By: Moody et al. (Hinojosa)  
Criminal Justice  
5/22/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The U.S. Constitution provides that in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial. However, the victim of a crime has an equally strong interest in the prompt disposition and conclusion of all criminal proceedings in which the victim is involved.

Repeated delays and continuances in the criminal justice process may prevent a victim from reaching emotional, physical, and financial closure to the trauma suffered as a result of the crime or crimes perpetrated against the victim. Such delays in prosecution may also limit the ability of a victim to receive justice, as a victim's memory, or the memories of other witnesses, begins to fade with the passage of time or when a victim's health deteriorates. In response to these concerns, many states have enacted statutes and amended their state constitutions to recognize that victims also have a right to prompt disposition and conclusion of all criminal proceedings in which the victim is involved.

H.B. 2236 entitles a victim or the representative for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence to the right to have the court consider the impact on the victim of a continuance requested by the defendant.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 56.02(a), Code of Criminal Procedure, to provide that a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004 (Family Violence), Family Code, has the right to have the court consider the impact on the victim of a continuance requested by the defendant or and, if requested by the attorney representing the state or by counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance.

SECTION 2. Amends Chapter 29, Code of Criminal Procedure, by adding Article 29.14, as follows:

Art. 29.14. CONSIDERATION OF IMPACT ON CERTAIN VICTIMS. (a) Defines "victims."

(b) Provides that on request by the attorney representing the state, a court that considers a motion for continuance on the part of the defendant is required to also consider the impact of the continuance on the victim. Requires the court, on request by the attorney representing the state or by counsel for the defendant, to state on the record the reason for granting or denying the continuance.

SECTION 3. Makes application of this act prospective.

SECTION 4. Effective: September 1, 2009.