

BILL ANALYSIS

C.S.H.B. 2916
By: McReynolds
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Crime Victims' Compensation Act, enacted in 1979, currently determines the date for filing an application for compensation as not later than three years from the date of the crime. Victims of crimes that occurred prior to 1980 are not eligible for compensation.

However, due to DNA evidence, previously unidentified homicide victims are now being identified. For instance, three victims in a 1970s Houston serial murder case have remained unidentified until recently. One has been identified, and the others are expected to be identified soon. Under current law, claimants for these victims are not eligible for compensation.

C.S.H.B. 2916 allows compensation for funeral expenses for homicide victims even if the crime occurred prior to 1980 if a claimant files for compensation within a specified time period after the identity of the victim is established.

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. 2916 amends the Code of Criminal Procedure to require a claimant who is entitled to file a claim for crime victims' compensation, for a claim that is based on criminally injurious conduct in violation of criminal homicide provisions, to file such an application not later than three years after the date the identity of the victim is established by a law enforcement agency. The bill provides an exception to the prohibition against awarding crime victims' compensation for certain losses from criminally injurious conduct that occurred before January 1, 1980, by authorizing the attorney general to award compensation for pecuniary loss arising from criminally injurious conduct that occurred before January 1, 1980, if the conduct was criminal homicide, if the identity of the victim is established by a law enforcement agency on or after January 1, 2009, and the pecuniary loss was incurred with respect to the victim's funeral or burial on or after that date, and if the claimant files the application for crime victims' compensation within the specified three-year period.

C.S.H.B. 2916 makes its provisions applicable only to criminally injurious conduct committed against a victim whose identity is established by a law enforcement agency on or after January 1, 2009.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2916 differs from the original by making its provisions applicable only to criminally injurious conduct committed against a victim whose identity is established by a law enforcement agency on or after January 1, 2009 rather than on or after the effective date of the bill, as in the original.