

BILL ANALYSIS

S.B. 808
By: Whitmire
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

This bill is intended to provide monetary relief for families of victims that have not yet been identified by law enforcement authorities and where the homicide occurred prior to January 1, 1980. This bill acts as an exception to current law whereby the attorney general would be given the power to award compensation in certain instances. The eligibility criteria under the Crime Victims Compensation Act would be followed in addition to requirements that the identity of the victim be established by a law enforcement agency on or after September 1, 2009, after which the claimant would have a period of up to three years to file a claim.

As proposed, S.B. 808 prohibits the attorney general from awarding compensation for pecuniary loss arising from criminally injurious conduct that occurred before January 1, 1980, except in cases in which the conduct was in violation of Chapter 19 (Criminal Homicide), Penal Code; the identity of the victim is established by a law enforcement agency on or after September 1, 2009; and the claimant files that application for compensation within a certain limitations period.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Article 56.37, Code of Criminal Procedure, by adding Subsection (e), to require the claimant, for a claim that is based on criminally injurious conduct in violation of Chapter 19 (Criminal Homicide), Penal Code, to file an application not later than three years after the date the identity of the victim is established by a law enforcement agency.

SECTION 2. Amends Article 56.61, Code of Criminal Procedure, as follows:

Art. 56.61. New heading: COMPENSATION FOR CERTAIN CRIMINALLY INJURIOUS CONDUCT PROHIBITED; EXCEPTION. (a) Creates this subsection from existing text. Prohibits the attorney general, except as provided by Subsection (b), from awarding compensation for pecuniary, rather than economic, loss arising from criminally injurious conduct that occurred before January 1, 1980.

(b) Authorizes the attorney general to award compensation for pecuniary loss arising from criminally injurious conduct that occurred before January 1, 1980, if the conduct was in violation of Chapter 19, Penal Code, the identity of the victim is established by a law enforcement agency on or after September 1, 2009; and the claimant files the application for compensation within the limitations period provided by Article 56.37(e).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.