

By: Jackson

H.B. No. 1228

A BILL TO BE ENTITLED

AN ACT

relating to the rights of victims of property crimes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 56, Code of Criminal Procedure, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. PROPERTY CRIME VICTIMS' RIGHTS

Art. 56.21. DEFINITION. In this subchapter, "victim" means a person who has suffered pecuniary loss due to a felony committed in violation of Title 7, Penal Code.

Art. 56.22. PROPERTY CRIME VICTIMS' RIGHTS. (a) A victim is entitled to the following rights within the criminal justice system:

(1) the right, if requested, to be informed by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled before the event;

(2) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the office of the attorney representing the state concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(3) the right to provide pertinent information to a

1 probation department conducting a presentencing investigation
2 concerning the impact of the offense on the victim and the victim's
3 family by testimony, written statement, or any other manner before
4 any sentencing of the defendant;

5 (4) the right to prompt return of any property of the
6 victim that is held by a law enforcement agency or the attorney
7 representing the state as evidence when the property is no longer
8 required for that purpose;

9 (5) the right to have the attorney representing the
10 state notify the employer of the victim, if requested, of the
11 necessity of the victim's cooperation and testimony in a proceeding
12 that may necessitate the absence of the victim from work for good
13 cause; and

14 (6) the right to express a preference to the attorney
15 representing the state concerning an appropriate sentence for the
16 defendant, including whether an order for restitution to the victim
17 would be appropriate.

18 (b) A victim is entitled to the right to be present at all
19 public court proceedings related to the offense, subject to the
20 approval of the judge in the case.

21 (c) The office of the attorney representing the state, and
22 the sheriff, police, and other law enforcement agencies shall
23 ensure to the extent practicable that a victim is afforded the
24 rights granted by Subsection (a) and, on request, an explanation of
25 those rights.

26 (d) A judge, attorney representing the state, peace
27 officer, or law enforcement agency is not liable for a failure or

1 inability to provide a right provided by this article. The failure
2 or inability of any person to provide a right or service provided by
3 this article may not be used by a defendant in a criminal case as a
4 ground for appeal, a ground to set aside the conviction or sentence,
5 or a ground in a habeas corpus petition. A victim does not have
6 standing to participate as a party in a criminal proceeding or to
7 contest the disposition of any charge.

8 Art. 56.23. NOTIFICATION. At the initial contact or at the
9 earliest possible time after the initial contact between the victim
10 and the law enforcement agency having the responsibility for
11 investigating the crime committed against the victim, that agency
12 shall provide the victim a written notice containing the rights of
13 property crime victims under Article 56.22.

14 SECTION 2. The changes in law made by this Act apply only to
15 a property crime reported on or after the effective date of this
16 Act. A property crime reported before the effective date of this
17 Act is governed by the law in effect on the date the crime is
18 reported, and that law is continued in effect for that purpose.

19 SECTION 3. This Act takes effect September 1, 2009.