

By: Hinojosa

S.B. No. 1949

A BILL TO BE ENTITLED

AN ACT

relating to the provision of crime victims' compensation to juvenile offenders who are victims of criminally injurious conduct.

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

SECTION 1. Article 56.35, Code of Criminal Procedure, is amended to read as follows:

Art. 56.35. TYPES OF ASSISTANCE. (a) If the attorney general approves an application for compensation under Article 56.41, the attorney general shall determine what type of state assistance will best aid the claimant or victim. Subject to Subsection (b), the ~~[The]~~ attorney general may do one or more of the following:

(1) authorize cash payment or payments to or on behalf of a claimant or victim for pecuniary loss;

(2) refer a claimant or victim to a state agency for vocational or other rehabilitative services; or

(3) provide counseling services for a claimant or victim or contract with a private entity to provide counseling services.

(b) The attorney general may provide the assistance authorized by Subsection (a)(2) or (3) to a victim who is committed to, attending, or residing in a facility, home, or institution described by Article 56.41(e)(1), (2), (3), or (4) only if the facility, home, or institution does not offer the same or similar

1 assistance to the victim.

2 SECTION 2. Article 56.37, Code of Criminal Procedure, is
3 amended by adding Subsection (e) to read as follows:

4 (e) Notwithstanding Subsections (a) and (c), a claimant or
5 victim filing an application with respect to a victim of criminally
6 injurious conduct committed to, attending, or residing in a
7 facility, home, or institution described by Article 56.41(e)(1),
8 (2), (3), or (4) may file the application not later than September
9 1, 2012, if the conduct occurred on or after September 1, 2003, and
10 before September 1, 2009. This subsection expires October 1, 2012.

11 SECTION 3. Article 56.41, Code of Criminal Procedure, is
12 amended by amending Subsection (b) and adding Subsections (d) and
13 (e) to read as follows:

14 (b) The attorney general shall deny an application for
15 compensation under this subchapter if:

16 (1) the criminally injurious conduct is not reported
17 as provided by Article 56.46;

18 (2) the application is not made in the manner provided
19 by Articles 56.36 and 56.37;

20 (3) the claimant or victim knowingly and willingly
21 participated in the criminally injurious conduct;

22 (4) the claimant or victim is the offender or an
23 accomplice of the offender;

24 (5) an award of compensation to the claimant or victim
25 would benefit the offender or an accomplice of the offender;

26 (6) the claimant or victim was incarcerated in a penal
27 institution[~~, as defined by Section 1.07, Penal Code,~~] at the time

1 the offense was committed; or

2 (7) the claimant or victim knowingly or intentionally
3 submits false or forged information to the attorney general.

4 (d) The attorney general may not deny an otherwise payable
5 award because the criminally injurious conduct on which the
6 application is based occurred while the victim was committed to,
7 attending, or residing in a facility, home, or institution
8 described by Subsection (e)(1), (2), (3), or (4).

9 (e) In this article, "penal institution" means a facility
10 operated by or under contract with the Texas Department of Criminal
11 Justice or a municipal or county jail. The term does not include:

12 (1) a "secure correctional facility" or "secure
13 detention facility" as defined by Section 51.02, Family Code;

14 (2) a facility, home, or institution licensed under or
15 accredited in accordance with Chapter 42, Human Resources Code, if
16 a juvenile offender is required to attend or reside at the facility,
17 home, or institution under a court order issued under Section
18 54.04, Family Code;

19 (3) a residential facility for juvenile offenders,
20 other than a secure correctional facility or a secure detention
21 facility described by Subdivision (1), that is operated by or under
22 contract with the state or a political subdivision of the state and
23 in which a juvenile offender is required to reside under a court
24 order issued under Section 54.04, Family Code; or

25 (4) a facility or institution that is operated by or
26 under contract with the Texas Youth Commission and is not otherwise
27 described by this subsection.

1 SECTION 4. The change in law made by this Act applies only
2 to compensation for criminally injurious conduct occurring on or
3 after September 1, 2003. Compensation for criminally injurious
4 conduct occurring before September 1, 2003, is covered by the law in
5 effect when the conduct occurred, and the former law is continued in
6 effect for that purpose. For purposes of this section, criminally
7 injurious conduct occurred before September 1, 2003, if any element
8 of the offense underlying the conduct occurred before that date.

9 SECTION 5. This Act takes effect September 1, 2009.