

BILL ANALYSIS

Senate Research Center
83R1225 MAW-D

H.B. 899
By: Perry et al. (Paxton)
Criminal Justice
5/14/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law entitles a victim, guardian of a victim, or close relative of a deceased victim to a number of rights within the criminal justice system relating to prosecution proceedings and the events leading up to the prosecution. These statutory provisions help protect the victim's, guardian's, or relative's privacy and safety and keep the victim and other such persons informed of the prosecution proceedings. Interested parties, including victim outreach programs, have expressed interest in expanding this list to provide additional privacy protections. To address these concerns, H.B. 899 expands the list of rights to which a victim of a capital felony or the victim's guardian or relative, as applicable, is entitled by granting such persons certain rights with respect to contact by a victim outreach specialist and the designation of a victim service provider to act as a liaison between the victim and the defense.

H.B. 899 amends current law relating to certain rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.

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 Articles 56.02(a) and (c), Code of Criminal Procedure, as follows:

(a) Entitles a victim, guardian of a victim, or close relative of a deceased victim to the following rights within the criminal justice system:

(1)-(13) Makes no change to these subdivisions;

(14)-(15) Makes nonsubstantive changes; and

(16) if the offense is a capital felony, the right to:

(A) decline to be contacted by a victim outreach specialist if the contact is initiated by, or if the specialist is retained by, the defendant or the defendant's attorney;

(B) designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person; and

(C) have the attorney representing the state notify the defendant and the defendant's attorney of any decisions made under Paragraph (A) or (B).

(c) Requires the office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies to ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by this article (Crime Victims' Rights), rather than the rights granted by Subsection (a) of this article, and, on request, an explanation of those rights.

SECTION 2. Effective date: upon passage or September 1, 2013.