

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 899
By: Perry et al. (Paxton)
Criminal Justice
5/20/2013
Committee Report (Substituted)

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, C.S.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.

C.S.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) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist;

(B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and

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

(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.