

BILL ANALYSIS

C.S.H.B. 1567
By: Miller, Rick
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires a court to permit a crime victim, a close relative of a deceased victim, or the guardian of a victim to present a statement to the court and the defendant regarding the effects of the defendant's actions. However, there is concern that current law does not allow the victim of a crime committed by a juvenile, or the victim's guardian or a close relative of a deceased victim of such a crime, to present such a statement. C.S.H.B. 1567 seeks to allow the victim of a crime committed by a juvenile or another party in relation to such a victim to present a personal statement regarding the juvenile's delinquent conduct.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1567 amends the Family Code to authorize a juvenile court conducting a disposition hearing to permit a victim, close relative of a deceased victim, or guardian of a victim to appear in open court to present to the court and to the child an oral statement about the child's delinquent conduct and the effect of the delinquent conduct on the victim. The bill prohibits the statement from including any questions to the child and from being transcribed by the court reporter. The bill requires the statement to be made only after the court has announced the terms and conditions of the child's probation or committed the child to the Texas Juvenile Justice Department. The bill prohibits the bill's provisions from being construed to limit any right to which a victim, guardian of a victim, or close relative of a deceased victim is entitled within the juvenile justice system.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1567 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 54.04, Texas Family Code, is amended by adding new subsection (z) to read as follows: <u>(z) The juvenile court shall permit a victim,</u>	SECTION 1. Section 54.04, Family Code, is amended by adding Subsection (z) to read as follows: <u>(z) A juvenile court</u> conducting a hearing

close relative of a deceased victim, or guardian of a victim, as defined by Section 57.001, Texas Family Code, to appear in person to present to the court and to the child a statement of the person's views about the delinquent conduct and the effect of the delinquent conduct on the victim.

The victim, relative, or guardian may not direct questions to the child while making the statement. The court reporter may not transcribe the statement.

The statement must be made:

(1) after the Court has determined that there is a need for a disposition;

(2) after the Court has determined whether to place the child on probation or commit the child to the Texas Juvenile Justice Department; and

(3) after the Court has announced the terms and conditions of the child's probation or committed the child to the Texas Juvenile Justice Department.

SECTION 2. The change in law made by this Act applies to a disposition hearing held on or after the effective date of this Act, regardless of whether the delinquent conduct occurred before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2013.

under this section shall permit a victim, close relative of a deceased victim, or guardian of a victim, as those terms are defined by Section 57.001, to appear in open court to present to the court and to the child an oral statement about the delinquent conduct and the effect of the delinquent conduct on the victim.

The statement may not include any questions to the child and may not be transcribed by the court reporter.

A statement may be made only after the court has announced the terms and conditions of the child's probation or committed the child to the Texas Juvenile Justice Department.

This subsection may not be construed to limit any right to which a person is entitled under Section 57.002.

SECTION 2. Substantially the same as introduced version.

SECTION 3. Same as introduced version.