

1-1 By: Perry, et al. (Senate Sponsor - Paxton) H.B. No. 899
 1-2 (In the Senate - Received from the House May 8, 2013;
 1-3 May 9, 2013, read first time and referred to Committee on Criminal
 1-4 Justice; May 20, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
 1-6 May 20, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14			X	
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 899 By: Patrick

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to certain rights of victims, guardians of victims, and
 1-20 close relatives of deceased victims in the criminal justice system.
 1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Articles 56.02(a) and (c), Code of Criminal
 1-23 Procedure, are amended to read as follows:
 1-24 (a) A victim, guardian of a victim, or close relative of a
 1-25 deceased victim is entitled to the following rights within the
 1-26 criminal justice system:
 1-27 (1) the right to receive from law enforcement agencies
 1-28 adequate protection from harm and threats of harm arising from
 1-29 cooperation with prosecution efforts;
 1-30 (2) the right to have the magistrate take the safety of
 1-31 the victim or his family into consideration as an element in fixing
 1-32 the amount of bail for the accused;
 1-33 (3) the right, if requested, to be informed:
 1-34 (A) by the attorney representing the state of
 1-35 relevant court proceedings, including appellate proceedings, and
 1-36 to be informed if those proceedings have been canceled or
 1-37 rescheduled prior to the event; and
 1-38 (B) by an appellate court of decisions of the
 1-39 court, after the decisions are entered but before the decisions are
 1-40 made public;
 1-41 (4) the right to be informed, when requested, by a
 1-42 peace officer concerning the defendant's right to bail and the
 1-43 procedures in criminal investigations and by the district
 1-44 attorney's office concerning the general procedures in the criminal
 1-45 justice system, including general procedures in guilty plea
 1-46 negotiations and arrangements, restitution, and the appeals and
 1-47 parole process;
 1-48 (5) the right to provide pertinent information to a
 1-49 probation department conducting a presentencing investigation
 1-50 concerning the impact of the offense on the victim and his family by
 1-51 testimony, written statement, or any other manner prior to any
 1-52 sentencing of the offender;
 1-53 (6) the right to receive information regarding
 1-54 compensation to victims of crime as provided by Subchapter B,
 1-55 including information related to the costs that may be compensated
 1-56 under that subchapter and the amount of compensation, eligibility
 1-57 for compensation, and procedures for application for compensation
 1-58 under that subchapter, the payment for a medical examination under
 1-59 Article 56.06 for a victim of a sexual assault, and when requested,
 1-60 to referral to available social service agencies that may offer

2-1 additional assistance;

2-2 (7) the right to be informed, upon request, of parole
2-3 procedures, to participate in the parole process, to be notified,
2-4 if requested, of parole proceedings concerning a defendant in the
2-5 victim's case, to provide to the Board of Pardons and Paroles for
2-6 inclusion in the defendant's file information to be considered by
2-7 the board prior to the parole of any defendant convicted of any
2-8 crime subject to this subchapter, and to be notified, if requested,
2-9 of the defendant's release;

2-10 (8) the right to be provided with a waiting area,
2-11 separate or secure from other witnesses, including the offender and
2-12 relatives of the offender, before testifying in any proceeding
2-13 concerning the offender; if a separate waiting area is not
2-14 available, other safeguards should be taken to minimize the
2-15 victim's contact with the offender and the offender's relatives and
2-16 witnesses, before and during court proceedings;

2-17 (9) the right to prompt return of any property of the
2-18 victim that is held by a law enforcement agency or the attorney for
2-19 the state as evidence when the property is no longer required for
2-20 that purpose;

2-21 (10) the right to have the attorney for the state
2-22 notify the employer of the victim, if requested, of the necessity of
2-23 the victim's cooperation and testimony in a proceeding that may
2-24 necessitate the absence of the victim from work for good cause;

2-25 (11) the right to counseling, on request, regarding
2-26 acquired immune deficiency syndrome (AIDS) and human
2-27 immunodeficiency virus (HIV) infection and testing for acquired
2-28 immune deficiency syndrome (AIDS), human immunodeficiency virus
2-29 (HIV) infection, antibodies to HIV, or infection with any other
2-30 probable causative agent of AIDS, if the offense is an offense under
2-31 Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code;

2-32 (12) the right to request victim-offender mediation
2-33 coordinated by the victim services division of the Texas Department
2-34 of Criminal Justice;

2-35 (13) the right to be informed of the uses of a victim
2-36 impact statement and the statement's purpose in the criminal
2-37 justice system, to complete the victim impact statement, and to
2-38 have the victim impact statement considered:

2-39 (A) by the attorney representing the state and
2-40 the judge before sentencing or before a plea bargain agreement is
2-41 accepted; and

2-42 (B) by the Board of Pardons and Paroles before an
2-43 inmate is released on parole;

2-44 (14) to the extent provided by Articles 56.06 and
2-45 56.065, for a victim of a sexual assault, the right to a forensic
2-46 medical examination if, within 96 hours of the sexual assault, the
2-47 assault is reported to a law enforcement agency or a forensic
2-48 medical examination is otherwise conducted at a health care
2-49 facility; ~~and~~

2-50 (15) for a victim of an assault or sexual assault who
2-51 is younger than 17 years of age or whose case involves family
2-52 violence, as defined by Section 71.004, Family Code, the right to
2-53 have the court consider the impact on the victim of a continuance
2-54 requested by the defendant; if requested by the attorney
2-55 representing the state or by counsel for the defendant, the court
2-56 shall state on the record the reason for granting or denying the
2-57 continuance; and

2-58 (16) if the offense is a capital felony, the right to:

2-59 (A) receive by mail from the court a written
2-60 explanation of defense-initiated victim outreach if the court has
2-61 authorized expenditures for a defense-initiated victim outreach
2-62 specialist;

2-63 (B) not be contacted by the victim outreach
2-64 specialist unless the victim, guardian, or relative has consented
2-65 to the contact by providing a written notice to the court; and

2-66 (C) designate a victim service provider to
2-67 receive all communications from a victim outreach specialist acting
2-68 on behalf of any person.

2-69 (c) The office of the attorney representing the state, and

3-1 the sheriff, police, and other law enforcement agencies shall
3-2 ensure to the extent practicable that a victim, guardian of a
3-3 victim, or close relative of a deceased victim is afforded the
3-4 rights granted by [~~Subsection (a) of~~] this article and, on request,
3-5 an explanation of those rights.

3-6 SECTION 2. This Act takes effect immediately if it receives
3-7 a vote of two-thirds of all the members elected to each house, as
3-8 provided by Section 39, Article III, Texas Constitution. If this
3-9 Act does not receive the vote necessary for immediate effect, this
3-10 Act takes effect September 1, 2013.

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