

SENATE AMENDMENTS

2nd Printing

By: Perry, King of Parker, et al.

H.B. No. 899

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain rights of victims, guardians of victims, and
3 close relatives of deceased victims in the criminal justice system.

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

5 SECTION 1. Articles 56.02(a) and (c), Code of Criminal
6 Procedure, are amended to read as follows:

7 (a) A victim, guardian of a victim, or close relative of a
8 deceased victim is entitled to the following rights within the
9 criminal justice system:

10 (1) the right to receive from law enforcement agencies
11 adequate protection from harm and threats of harm arising from
12 cooperation with prosecution efforts;

13 (2) the right to have the magistrate take the safety of
14 the victim or his family into consideration as an element in fixing
15 the amount of bail for the accused;

16 (3) the right, if requested, to be informed:

17 (A) by the attorney representing the state of
18 relevant court proceedings, including appellate proceedings, and
19 to be informed if those proceedings have been canceled or
20 rescheduled prior to the event; and

21 (B) by an appellate court of decisions of the
22 court, after the decisions are entered but before the decisions are
23 made public;

24 (4) the right to be informed, when requested, by a

1 peace officer concerning the defendant's right to bail and the
2 procedures in criminal investigations and by the district
3 attorney's office concerning the general procedures in the criminal
4 justice system, including general procedures in guilty plea
5 negotiations and arrangements, restitution, and the appeals and
6 parole process;

7 (5) the right to provide pertinent information to a
8 probation department conducting a presentencing investigation
9 concerning the impact of the offense on the victim and his family by
10 testimony, written statement, or any other manner prior to any
11 sentencing of the offender;

12 (6) the right to receive information regarding
13 compensation to victims of crime as provided by Subchapter B,
14 including information related to the costs that may be compensated
15 under that subchapter and the amount of compensation, eligibility
16 for compensation, and procedures for application for compensation
17 under that subchapter, the payment for a medical examination under
18 Article 56.06 for a victim of a sexual assault, and when requested,
19 to referral to available social service agencies that may offer
20 additional assistance;

21 (7) the right to be informed, upon request, of parole
22 procedures, to participate in the parole process, to be notified,
23 if requested, of parole proceedings concerning a defendant in the
24 victim's case, to provide to the Board of Pardons and Paroles for
25 inclusion in the defendant's file information to be considered by
26 the board prior to the parole of any defendant convicted of any
27 crime subject to this subchapter, and to be notified, if requested,

1 of the defendant's release;

2 (8) the right to be provided with a waiting area,
3 separate or secure from other witnesses, including the offender and
4 relatives of the offender, before testifying in any proceeding
5 concerning the offender; if a separate waiting area is not
6 available, other safeguards should be taken to minimize the
7 victim's contact with the offender and the offender's relatives and
8 witnesses, before and during court proceedings;

9 (9) the right to prompt return of any property of the
10 victim that is held by a law enforcement agency or the attorney for
11 the state as evidence when the property is no longer required for
12 that purpose;

13 (10) the right to have the attorney for the state
14 notify the employer of the victim, if requested, of the necessity of
15 the victim's cooperation and testimony in a proceeding that may
16 necessitate the absence of the victim from work for good cause;

17 (11) the right to counseling, on request, regarding
18 acquired immune deficiency syndrome (AIDS) and human
19 immunodeficiency virus (HIV) infection and testing for acquired
20 immune deficiency syndrome (AIDS), human immunodeficiency virus
21 (HIV) infection, antibodies to HIV, or infection with any other
22 probable causative agent of AIDS, if the offense is an offense under
23 Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code;

24 (12) the right to request victim-offender mediation
25 coordinated by the victim services division of the Texas Department
26 of Criminal Justice;

27 (13) the right to be informed of the uses of a victim

1 impact statement and the statement's purpose in the criminal
2 justice system, to complete the victim impact statement, and to
3 have the victim impact statement considered:

4 (A) by the attorney representing the state and
5 the judge before sentencing or before a plea bargain agreement is
6 accepted; and

7 (B) by the Board of Pardons and Paroles before an
8 inmate is released on parole;

9 (14) to the extent provided by Articles 56.06 and
10 56.065, for a victim of a sexual assault, the right to a forensic
11 medical examination if, within 96 hours of the sexual assault, the
12 assault is reported to a law enforcement agency or a forensic
13 medical examination is otherwise conducted at a health care
14 facility; ~~and~~

15 (15) for a victim of an assault or sexual assault who
16 is younger than 17 years of age or whose case involves family
17 violence, as defined by Section 71.004, Family Code, the right to
18 have the court consider the impact on the victim of a continuance
19 requested by the defendant; if requested by the attorney
20 representing the state or by counsel for the defendant, the court
21 shall state on the record the reason for granting or denying the
22 continuance; and

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

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

27 (B) designate a victim service provider to

1 receive all communications from a victim outreach specialist acting
2 on behalf of any person; and

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

6 (c) The office of the attorney representing the state, and
7 the sheriff, police, and other law enforcement agencies shall
8 ensure to the extent practicable that a victim, guardian of a
9 victim, or close relative of a deceased victim is afforded the
10 rights granted by [~~Subsection (a) of~~] this article and, on request,
11 an explanation of those rights.

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

ADOPTED

MAY 21 2013

Atty. Gen.
Secretary of the Senate

By: PAXTON

H.B. No. 899

Substitute the following for ___B. No. _____:

By: [Signature]

C.S.H.B. No. 899

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15 the amount of bail for the accused;

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5 negotiations and arrangements, restitution, and the appeals and
6 parole process;

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15 under that subchapter and the amount of compensation, eligibility
16 for compensation, and procedures for application for compensation
17 under that subchapter, the payment for a medical examination under
18 Article 56.06 for a victim of a sexual assault, and when requested,
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21 (7) the right to be informed, upon request, of parole
22 procedures, to participate in the parole process, to be notified,
23 if requested, of parole proceedings concerning a defendant in the
24 victim's case, to provide to the Board of Pardons and Paroles for
25 inclusion in the defendant's file information to be considered by
26 the board prior to the parole of any defendant convicted of any
27 crime subject to this subchapter, and to be notified, if requested,

1 of the defendant's release;

2 (8) the right to be provided with a waiting area,
3 separate or secure from other witnesses, including the offender and
4 relatives of the offender, before testifying in any proceeding
5 concerning the offender; if a separate waiting area is not
6 available, other safeguards should be taken to minimize the
7 victim's contact with the offender and the offender's relatives and
8 witnesses, before and during court proceedings;

9 (9) the right to prompt return of any property of the
10 victim that is held by a law enforcement agency or the attorney for
11 the state as evidence when the property is no longer required for
12 that purpose;

13 (10) the right to have the attorney for the state
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15 the victim's cooperation and testimony in a proceeding that may
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11 medical examination if, within 96 hours of the sexual assault, the
12 assault is reported to a law enforcement agency or a forensic
13 medical examination is otherwise conducted at a health care
14 facility; ~~and~~

15 (15) for a victim of an assault or sexual assault who
16 is younger than 17 years of age or whose case involves family
17 violence, as defined by Section 71.004, Family Code, the right to
18 have the court consider the impact on the victim of a continuance
19 requested by the defendant; if requested by the attorney
20 representing the state or by counsel for the defendant, the court
21 shall state on the record the reason for granting or denying the
22 continuance; and

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

24 (A) receive by mail from the court a written
25 explanation of defense-initiated victim outreach if the court has
26 authorized expenditures for a defense-initiated victim outreach
27 specialist;

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

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

7 (c) The office of the attorney representing the state, and
8 the sheriff, police, and other law enforcement agencies shall
9 ensure to the extent practicable that a victim, guardian of a
10 victim, or close relative of a deceased victim is afforded the
11 rights granted by [~~Subsection (a) of~~] this article and, on request,
12 an explanation of those rights.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 21, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB899 by Perry (Relating to certain rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would provide that in capital murder cases, a close relative of the deceased victim or guardian of a victim may receive certain communications regarding victim outreach, avoid contact from certain entities without consent, and designate a victim service provider to receive all communications from any victim outreach specialist.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, ESi, SD, KKR, TB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 20, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB899 by Perry (Relating to certain rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would provide that in capital murder cases, a close relative of the deceased victim or guardian of a victim may receive certain communications regarding victim outreach, avoid contact from certain entities without consent, and designate a victim service provider to receive all communications from any victim outreach specialist.

Local Government Impact

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Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, ESi, SD, KKR, TB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB899 by Perry (Relating to certain rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would provide that in capital murder cases, a close relative of the deceased victim or guardian of a victim may decline to be contacted by the defendant/defendant's attorney's victim outreach specialist. The close relative or guardian may designate a victim service provider to receive all communications from any victim outreach specialist. The close relative or guardian may have the attorney representing the state notify the defendant/defendant's attorney of the close relative's or guardian's decisions on these matters.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, ESi, SD, KKR, TB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 25, 2013

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB899 by Perry (Relating to certain rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would provide that in capital murder cases, a close relative of the deceased victim or guardian of a victim may decline to be contacted by the defendant/defendant's attorney's victim outreach specialist. The close relative or guardian may designate a victim service provider to receive all communications from any victim outreach specialist. The close relative or guardian may have the attorney representing the state notify the defendant/defendant's attorney of the close relative's or guardian's decisions on these matters.

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No significant fiscal implication to units of local government is anticipated.

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