

## **BILL ANALYSIS**

Senate Research Center  
85R17772 MAW-F

C.S.S.B. 843  
By: Perry  
Criminal Justice  
3/21/2017  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The proposed legislation seeks to protect crime victims' health and safety by ensuring sensitive information collected by the Crime Victims' Compensation Program (CVCP) is not released to third parties. This legislation amends Article 56.65, Code of Criminal Procedure, to prohibit the CVCP from releasing victims' records without a court order. The bill creates a uniform process for third parties seeking CVCP records by requiring a hearing for good cause shown if the records sought are not available from other sources. The records may still be released, with the victim's permission, to other crime victim compensation programs or with the Office of the Attorney General's permission for auditing and accounting purposes.

By law, CVCP must review and verify applications before making any awards to eligible crime victims, therefore, documentation of expenses is crucial to the claims process. While the Public Information Act protects CVCP records, the criminal and civil rules of procedure do not.

Interested parties note that the release of these records can jeopardize a crime victim seeking compensation if it is disclosed to an offender or third party. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 843 amends current law relating to disclosure and use of certain information regarding the Crime Victims' Compensation Act.

### **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 Subchapter B, Chapter 56, Code of Criminal Procedure, by adding Article 56.65, as follows:

Art. 56.65. DISCLOSURE AND USE OF INFORMATION. (a) Provides that this article does not apply to information made confidential by law.

(b) Provides that an application for compensation under this subchapter and any information, document, summary, or other record provided to or received, maintained, or created by the attorney general under this subchapter is:

(1) except as provided by Section 552.132(c) (relating to the provision that information relating to crime victim compensation is public information), Government Code, not subject to disclosure under Chapter 552 (Public Information) of that code; and

(2) except as provided by Subsection (c), not subject to disclosure, discovery, subpoena, or other means of legal compulsion for release.

(c) Prohibits the attorney general from releasing or disclosing an application for compensation under this subchapter, or any information, document, summary, or

other record provided to or received, maintained, or created by the attorney general except by certain court orders, to certain persons or with the consent of certain persons, including the claimant or victim, and in response to certain subpoenas.

(d) Requires the attorney general, if responding to a subpoena described by Subsection (c)(7) (relating to the attorney general releasing confidential information in response to a certain subpoena), to release only the victim's completed application form as described by Article 56.36(a) (relating to requiring an applicant for compensation to apply on a form prescribed by the attorney general) after redacting any confidential information described by Section 552.132(b) (relating to the confidentiality of certain information held by the crime victims' compensation division of the attorney general's office), Government Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.