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By:  Leach H.B. No. 4173

A BILL TO BE ENTITLED

AN ACT

relating to the nonsubstantive revision of certain provisions of the Code of Criminal Procedure, including conforming amendments.

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

ARTICLE 1. NONSUBSTANTIVE REVISION OF CERTAIN PROVISIONS OF THE CODE OF CRIMINAL PROCEDURE

SECTION 1.01.  Chapter 1, Code of Criminal Procedure, is amended by adding Articles 1.025 and 1.026 to read as follows:

CHAPTER 1. GENERAL PROVISIONS

Art. 1.025.  SEVERABILITY

Art. 1.026.  CONSTRUCTION

CHAPTER 1. GENERAL PROVISIONS

Art. 1.025.  SEVERABILITY. If any provision of this code or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the code that can be given effect without the invalid provision or application, and to this end the provisions of this code are severable. (Code Crim. Proc., Art. 54.01.)

Art. 1.026.  CONSTRUCTION. The articles contained in Chapter 722 (S.B. 107), Acts of the 59th Legislature, Regular Session, 1965, as revised, rewritten, changed, combined, and codified, may not be construed as a continuation of former laws except as otherwise provided in that Act. (Code Crim. Proc., Art. 54.02, Sec. 2(a) (part).)

SECTION 1.02.  Title 1, Code of Criminal Procedure, is amended by adding Chapter 7B to read as follows:

CHAPTER 7B. PROTECTIVE ORDERS

SUBCHAPTER A. PROTECTIVE ORDER FOR VICTIMS OF SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING

Art. 7B.001.  APPLICATION FOR PROTECTIVE ORDER

Art. 7B.002.  TEMPORARY EX PARTE ORDER

Art. 7B.003.  REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE

                ORDER

Art. 7B.004.  HEARSAY STATEMENT OF CHILD VICTIM

Art. 7B.005.  CONDITIONS SPECIFIED BY PROTECTIVE ORDER

Art. 7B.006.  WARNING ON PROTECTIVE ORDER

Art. 7B.007.  DURATION OF PROTECTIVE ORDER; RESCISSION

Art. 7B.008.  APPLICATION OF OTHER LAW

SUBCHAPTER B. STALKING PROTECTIVE ORDER

Art. 7B.051.  REQUEST FOR PROTECTIVE ORDER

Art. 7B.052.  REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE

                ORDER

Art. 7B.053.  ENFORCEMENT

SUBCHAPTER C. PROTECTIVE ORDER PROHIBITING OFFENSE MOTIVATED BY BIAS OR PREJUDICE

Art. 7B.101.  REQUEST FOR PROTECTIVE ORDER

Art. 7B.102.  REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE

                ORDER

Art. 7B.103.  ENFORCEMENT

Art. 7B.104.  REPORTING

CHAPTER 7B. PROTECTIVE ORDERS

SUBCHAPTER A. PROTECTIVE ORDER FOR VICTIMS OF SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING

Art. 7B.001.  APPLICATION FOR PROTECTIVE ORDER. (a) The following persons may file an application for a protective order under this subchapter without regard to the relationship between the applicant and the alleged offender:

(1)  a person who is the victim of an offense under Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

(2)  a person who is the victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code;

(3)  a parent or guardian acting on behalf of a person younger than 17 years of age who is the victim of an offense listed in Subdivision (1);

(4)  a parent or guardian acting on behalf of a person younger than 18 years of age who is the victim of an offense listed in Subdivision (2); or

(5)  a prosecuting attorney acting on behalf of a person described by Subdivision (1), (2), (3), or (4).

(b)  An application for a protective order under this subchapter may be filed in:

(1)  a district court, juvenile court having the jurisdiction of a district court, statutory county court, or constitutional county court in:

(A)  the county in which the applicant resides;

(B)  the county in which the alleged offender resides; or

(C)  any county in which an element of the alleged offense occurred; or

(2)  any court with jurisdiction over a protective order under Title 4, Family Code, involving the same parties named in the application. (Code Crim. Proc., Art. 7A.01.)

Art. 7B.002.  TEMPORARY EX PARTE ORDER. If the court finds from the information contained in an application for a protective order that there is a clear and present danger of sexual assault or abuse, stalking, trafficking, or other harm to the applicant, the court, without further notice to the alleged offender and without a hearing, may issue a temporary ex parte order for the protection of the applicant or any other member of the applicant's family or household. (Code Crim. Proc., Art. 7A.02.)

Art. 7B.003.  REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER. (a) At the close of a hearing on an application for a protective order under this subchapter, the court shall find whether there are reasonable grounds to believe that the applicant is the victim of sexual assault or abuse, stalking, or trafficking.

(b)  If the court finds that there are reasonable grounds to believe that the applicant is the victim of sexual assault or abuse, stalking, or trafficking, the court shall issue a protective order that includes a statement of the required findings. (Code Crim. Proc., Art. 7A.03.)

Art. 7B.004.  HEARSAY STATEMENT OF CHILD VICTIM. In a hearing on an application for a protective order under this subchapter, a statement that is made by a child younger than 14 years of age who is the victim of an offense under Section 21.02, 21.11, 22.011, or 22.021, Penal Code, and that describes the offense committed against the child is admissible as evidence in the same manner that a child's statement regarding alleged abuse against the child is admissible under Section 104.006, Family Code, in a suit affecting the parent-child relationship. (Code Crim. Proc., Art. 7A.035.)

Art. 7B.005.  CONDITIONS SPECIFIED BY PROTECTIVE ORDER. (a) In a protective order issued under this subchapter, the court may:

(1)  order the alleged offender to take action as specified by the court that the court determines is necessary or appropriate to prevent or reduce the likelihood of future harm to the applicant or a member of the applicant's family or household; or

(2)  prohibit the alleged offender from:

(A)  communicating:

(i)  directly or indirectly with the applicant or any member of the applicant's family or household in a threatening or harassing manner; or

(ii)  in any manner with the applicant or any member of the applicant's family or household except through the applicant's attorney or a person appointed by the court, if the court finds good cause for the prohibition;

(B)  going to or near the residence, place of employment or business, or child-care facility or school of the applicant or any member of the applicant's family or household;

(C)  engaging in conduct directed specifically toward the applicant or any member of the applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person; and

(D)  possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

(b)  In a protective order that includes a condition described by Subsection (a)(2)(B), the court shall specifically describe each prohibited location and the minimum distance from the location, if any, that the alleged offender must maintain. This subsection does not apply to a protective order with respect to which the court has received a request to maintain confidentiality of information revealing the locations.

(c)  In a protective order, the court may suspend a license to carry a handgun issued under Section 411.177, Government Code, that is held by the alleged offender. (Code Crim. Proc., Art. 7A.05.)

Art. 7B.006.  WARNING ON PROTECTIVE ORDER. (a) Each protective order issued under this subchapter, including a temporary ex parte order, must contain the following prominently displayed statements in boldfaced type, in capital letters, or underlined:

"A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS $500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."

"NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."

"IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION."

(b)  Each protective order issued under this subchapter, except for a temporary ex parte order, must contain the following prominently displayed statement in boldfaced type, in capital letters, or underlined:

"A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS $4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE OFFENSE IN ADDITION TO A VIOLATION OF THIS ORDER." (Code Crim. Proc., Art. 7A.06.)

Art. 7B.007.  DURATION OF PROTECTIVE ORDER; RESCISSION. (a) A protective order issued under Article 7B.003 may be effective for the duration of the lives of the offender and victim or for any shorter period stated in the order. If a period is not stated in the order, the order is effective until the second anniversary of the date the order was issued.

(b)  The following persons may file at any time an application with the court to rescind the protective order:

(1)  a victim of an offense listed in Article 7B.001(a)(1) who is 17 years of age or older or a parent or guardian acting on behalf of a victim who is younger than 17 years of age; or

(2)  a victim of an offense listed in Article 7B.001(a)(2) or a parent or guardian acting on behalf of a victim who is younger than 18 years of age.

(c)  To the extent of any conflict with Section 85.025, Family Code, this article prevails. (Code Crim. Proc., Art. 7A.07.)

Art. 7B.008.  APPLICATION OF OTHER LAW. To the extent applicable, except as otherwise provided by this subchapter, Title 4, Family Code, applies to a protective order issued under this subchapter. (Code Crim. Proc., Art. 7A.04.)

SUBCHAPTER B. STALKING PROTECTIVE ORDER

Art. 7B.051.  REQUEST FOR PROTECTIVE ORDER. (a) At any proceeding related to an offense under Section 42.072, Penal Code, in which the defendant appears before the court, a person may request the court to issue a protective order under Title 4, Family Code, for the protection of the person.

(b)  The request under Subsection (a) is made by filing an application for a protective order in the same manner as an application for a protective order under Title 4, Family Code. (Code Crim. Proc., Art. 6.09(a).)

Art. 7B.052.  REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER. The court shall issue a protective order in the manner provided by Title 4, Family Code, if, in lieu of the finding that family violence occurred and is likely to occur in the future as required by Section 85.001, Family Code, the court finds that:

(1)  probable cause exists to believe that an offense under Section 42.072, Penal Code, was committed; and

(2)  the nature of the scheme or course of conduct engaged in by the defendant in committing the offense indicates the defendant is likely in the future to engage in conduct prohibited by Section 42.072(a)(1), (2), or (3), Penal Code. (Code Crim. Proc., Art. 6.09(b).)

Art. 7B.053.  ENFORCEMENT. The procedure for the enforcement of a protective order under Title 4, Family Code, applies to the fullest extent practicable to the enforcement of a protective order under this subchapter, including provisions relating to findings, contents, duration, warning, delivery, law enforcement duties, and modification. (Code Crim. Proc., Art. 6.09(c).)

SUBCHAPTER C. PROTECTIVE ORDER PROHIBITING OFFENSE MOTIVATED BY BIAS OR PREJUDICE

Art. 7B.101.  REQUEST FOR PROTECTIVE ORDER. A person may request the court to issue a protective order under Title 4, Family Code, for the protection of the person at any proceeding:

(1)  in which the defendant appears in constitutional county court, statutory county court, or district court;

(2)  that is related to an offense under Title 5, Penal Code, or Section 28.02, 28.03, or 28.08, Penal Code; and

(3)  in which it is alleged that the defendant committed the offense because of bias or prejudice as described by Article 42.014. (Code Crim. Proc., Art. 6.08(a).)

Art. 7B.102.  REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER. The court shall issue a protective order in the manner provided by Title 4, Family Code, if, in lieu of the finding that family violence occurred and is likely to occur in the future as required by Section 85.001, Family Code, the court finds that:

(1)  probable cause exists to believe that an offense under Title 5, Penal Code, or Section 28.02, 28.03, or 28.08, Penal Code, was committed;

(2)  the defendant committed the offense because of bias or prejudice; and

(3)  the nature of the scheme or course of conduct engaged in by the defendant in committing the offense indicates the defendant is likely in the future to:

(A)  engage in conduct prohibited by Title 5, Penal Code, or Section 28.02, 28.03, or 28.08, Penal Code; and

(B)  engage in that conduct described by Paragraph (A) because of bias or prejudice. (Code Crim. Proc., Art. 6.08(b).)

Art. 7B.103.  ENFORCEMENT. The procedure for the enforcement of a protective order under Title 4, Family Code, applies to the fullest extent practicable to the enforcement of a protective order under this subchapter, including provisions relating to findings, contents, duration, warning, delivery, law enforcement duties, and modification, except that:

(1)  the printed statement on the warning must refer to the prosecution of subsequent offenses committed because of bias or prejudice;

(2)  the court shall require a constable to serve a protective order issued under this subchapter; and

(3)  the clerk of the court shall forward a copy of a protective order issued under this subchapter to the Department of Public Safety with a designation indicating that the order was issued to prevent offenses committed because of bias or prejudice. (Code Crim. Proc., Art. 6.08(c).)

Art. 7B.104.  REPORTING. For an original or modified protective order issued under this subchapter, on receipt of the order from the clerk of the court, a law enforcement agency shall immediately, but not later than the 10th day after the date the order is received, enter the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Department of Public Safety. (Code Crim. Proc., Art. 6.08(d).)

SECTION 1.03.  Title 1, Code of Criminal Procedure, is amended by adding Chapter 19A to read as follows:

CHAPTER 19A. GRAND JURY ORGANIZATION

SUBCHAPTER A. GENERAL PROVISIONS

Art. 19A.001.  DEFINITIONS

SUBCHAPTER B. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS

Art. 19A.051.  SELECTION AND SUMMONS OF PROSPECTIVE

                 GRAND JURORS

Art. 19A.052.  QUALIFIED PERSONS SUMMONED

Art. 19A.053.  ADDITIONAL QUALIFIED PERSONS SUMMONED

Art. 19A.054.  FAILURE TO ATTEND

SUBCHAPTER C. GRAND JUROR QUALIFICATIONS; EXCUSES FROM SERVICE

Art. 19A.101.  GRAND JUROR QUALIFICATIONS

Art. 19A.102.  TESTING QUALIFICATIONS OF PROSPECTIVE

                 GRAND JURORS

Art. 19A.103.  QUALIFIED GRAND JURORS ACCEPTED

Art. 19A.104.  PERSONAL INFORMATION CONFIDENTIAL

Art. 19A.105.  EXCUSES FROM GRAND JURY SERVICE

SUBCHAPTER D. CHALLENGE TO ARRAY OR GRAND JUROR

Art. 19A.151.  ANY PERSON MAY CHALLENGE

Art. 19A.152.  CHALLENGE TO ARRAY

Art. 19A.153.  CHALLENGE TO GRAND JUROR

Art. 19A.154.  DETERMINATION OF VALIDITY OF CHALLENGE

Art. 19A.155.  ADDITIONAL PROSPECTIVE GRAND JURORS

                 SUMMONED FOLLOWING CHALLENGE

SUBCHAPTER E. IMPANELING OF GRAND JURY

Art. 19A.201.  GRAND JURY IMPANELED

Art. 19A.202.  OATH OF GRAND JURORS

Art. 19A.203.  FOREPERSON

Art. 19A.204.  COURT INSTRUCTIONS

SUBCHAPTER F. ORGANIZATION AND TERM OF GRAND JURY

Art. 19A.251.  QUORUM

Art. 19A.252.  DISQUALIFICATION OR UNAVAILABILITY OF

                 GRAND JUROR

Art. 19A.253.  RECUSAL OF GRAND JUROR

Art. 19A.254.  REASSEMBLY OF GRAND JURY

Art. 19A.255.  EXTENSION OF TERM

SUBCHAPTER G. BAILIFFS

Art. 19A.301.  BAILIFFS APPOINTED; COMPENSATION

Art. 19A.302.  BAILIFF'S DUTIES

Art. 19A.303.  BAILIFF'S VIOLATION OF DUTY

CHAPTER 19A. GRAND JURY ORGANIZATION

SUBCHAPTER A. GENERAL PROVISIONS

Art. 19A.001.  DEFINITIONS. In this chapter:

(1)  "Array" means the whole body of persons summoned to serve as grand jurors before the grand jurors have been impaneled.

(2)  "Panel" means the whole body of grand jurors. (Code Crim. Proc., Arts. 19.28, 19.29 (part).)

SUBCHAPTER B. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS

Art. 19A.051.  SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS. (a) The district judge shall direct that the number of prospective grand jurors the judge considers necessary to ensure an adequate number of grand jurors under Article 19A.201 be selected and summoned, with return on summons.

(b)  The prospective grand jurors shall be selected and summoned in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts.

(c)  The judge shall test the qualifications for and excuses from service as a grand juror and impanel the completed grand jury as provided by this chapter. (Code Crim. Proc., Art. 19.01.)

Art. 19A.052.  QUALIFIED PERSONS SUMMONED. On directing the sheriff to summon grand jurors, the court shall instruct the sheriff to not summon a person to serve as a grand juror who does not possess the qualifications prescribed by law. (Code Crim. Proc., Art. 19.20.)

Art. 19A.053.  ADDITIONAL QUALIFIED PERSONS SUMMONED. (a) If fewer than 16 persons summoned to serve as grand jurors are found to be in attendance and qualified to serve, the court shall order the sheriff to summon an additional number of persons considered necessary to constitute a grand jury of 12 grand jurors and four alternate grand jurors.

(b)  The sheriff shall summon the additional prospective grand jurors under Subsection (a) in person to attend before the court immediately. (Code Crim. Proc., Arts. 19.18, 19.19.)

Art. 19A.054.  FAILURE TO ATTEND. The court, by an order entered on the record, may impose a fine of not less than $100 and not more than $500 on a legally summoned grand juror who fails to attend without a reasonable excuse. (Code Crim. Proc., Art. 19.16.)

SUBCHAPTER C. GRAND JUROR QUALIFICATIONS; EXCUSES FROM SERVICE

Art. 19A.101.  GRAND JUROR QUALIFICATIONS. A person may be selected or serve as a grand juror only if the person:

(1)  is at least 18 years of age;

(2)  is a citizen of the United States;

(3)  is a resident of this state and of the county in which the person is to serve;

(4)  is qualified under the constitution and other laws to vote in the county in which the grand jury is sitting, regardless of whether the person is registered to vote;

(5)  is of sound mind and good moral character;

(6)  is able to read and write;

(7)  has not been convicted of misdemeanor theft or a felony;

(8)  is not under indictment or other legal accusation for misdemeanor theft or a felony;

(9)  is not related within the third degree by consanguinity or second degree by affinity, as determined under Chapter 573, Government Code, to any person selected to serve or serving on the same grand jury;

(10)  has not served as a grand juror in the year before the date on which the term of court for which the person has been selected as a grand juror begins; and

(11)  is not a complainant in any matter to be heard by the grand jury during the term of court for which the person has been selected as a grand juror. (Code Crim. Proc., Art. 19.08.)

Art. 19A.102.  TESTING QUALIFICATIONS OF PROSPECTIVE GRAND JURORS. (a) When at least 14 persons summoned to serve as grand jurors are present, the court shall test the qualifications of the prospective grand jurors to serve as grand jurors.

(b)  Before impaneling a grand juror, the court or a person under the direction of the court must interrogate under oath each person who is presented to serve as a grand juror regarding the person's qualifications.

(c)  In testing the qualifications of a person to serve as a grand juror, the court or a person under the direction of the court shall ask:

(1)  "Are you a citizen of this state and county, and qualified to vote in this county, under the constitution and laws of this state?";

(2)  "Are you able to read and write?";

(3)  "Have you ever been convicted of misdemeanor theft or any felony?"; and

(4)  "Are you under indictment or other legal accusation for misdemeanor theft or for any felony?". (Code Crim. Proc., Arts. 19.21, 19.22, 19.23.)

Art. 19A.103.  QUALIFIED GRAND JURORS ACCEPTED. If, by the person's answer, it appears to the court that the person is a qualified grand juror, the court shall accept the person as a grand juror unless it is shown that the person:

(1)  is not of sound mind or of good moral character; or

(2)  is in fact not qualified to serve as a grand juror. (Code Crim. Proc., Art. 19.24.)

Art. 19A.104.  PERSONAL INFORMATION CONFIDENTIAL. (a) Except as provided by Subsection (c), information collected by the court, court personnel, or prosecuting attorney during the grand jury selection process about a person who serves as a grand juror is confidential and may not be disclosed by the court, court personnel, or prosecuting attorney.

(b)  Information that is confidential under Subsection (a) includes a person's:

(1)  home address;

(2)  home telephone number;

(3)  social security number;

(4)  driver's license number; and

(5)  other personal information.

(c)  On a showing of good cause, the court shall permit disclosure of the information sought to a party to the proceeding. (Code Crim. Proc., Art. 19.42.)

Art. 19A.105.  EXCUSES FROM GRAND JURY SERVICE. (a) The court shall excuse from serving any summoned person who does not possess the requisite qualifications.

(b)  The following qualified persons may be excused from grand jury service:

(1)  a person older than 70 years of age;

(2)  a person responsible for the care of a child younger than 18 years of age;

(3)  a student of a public or private secondary school;

(4)  a person enrolled in and in actual attendance at an institution of higher education; and

(5)  any other person the court determines has a reasonable excuse from service. (Code Crim. Proc., Art. 19.25.)

SUBCHAPTER D. CHALLENGE TO ARRAY OR GRAND JUROR

Art. 19A.151.  ANY PERSON MAY CHALLENGE. (a) Before the grand jury is impaneled, any person may challenge the array of grand jurors or any person presented as a grand juror. The court may not hear objections to the qualifications and legality of the grand jury in any other way.

(b)  A person confined in jail in the county shall, on the person's request, be brought into court to make a challenge described by Subsection (a). (Code Crim. Proc., Art. 19.27.)

Art. 19A.152.  CHALLENGE TO ARRAY. (a) A challenge to the array may be made only for the following causes:

(1)  that the persons summoned as grand jurors are not in fact the persons selected by the method provided by Article 19A.051; or

(2)  that the officer who summoned the grand jurors acted corruptly in summoning any grand juror.

(b)  A challenge to the array must be made in writing. (Code Crim. Proc., Art. 19.30.)

Art. 19A.153.  CHALLENGE TO GRAND JUROR. (a) A challenge to a grand juror may be made orally for any of the following causes:

(1)  that the grand juror is insane;

(2)  that the grand juror has a defect in the organs of feeling or hearing, or a bodily or mental defect or disease that renders the grand juror unfit for grand jury service, or that the grand juror is legally blind and the court in its discretion is not satisfied that the grand juror is fit for grand jury service in that particular case;

(3)  that the grand juror is a witness in or a target of an investigation of a grand jury;

(4)  that the grand juror served on a petit jury in a former trial of the same alleged conduct or offense that the grand jury is investigating;

(5)  that the grand juror has a bias or prejudice in favor of or against the person accused or suspected of committing an offense that the grand jury is investigating;

(6)  that from hearsay, or otherwise, there is established in the mind of the grand juror a conclusion as to the guilt or innocence of the person accused or suspected of committing an offense that the grand jury is investigating that would influence the grand juror's vote on the presentment of an indictment;

(7)  that the grand juror is related within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to a person accused or suspected of committing an offense that the grand jury is investigating or to a person who is a victim of an offense that the grand jury is investigating;

(8)  that the grand juror has a bias or prejudice against any phase of the law on which the state is entitled to rely for an indictment;

(9)  that the grand juror is not a qualified grand juror; or

(10)  that the grand juror is the prosecutor on an accusation against the person making the challenge.

(b)  A challenge under Subsection (a)(3) may be made ex parte. The court shall review and rule on the challenge in an in camera proceeding. The court shall seal any record of the challenge.

(c)  In this article, "legally blind" has the meaning assigned by Article 35.16(a). (Code Crim. Proc., Art. 19.31.)

Art. 19A.154.  DETERMINATION OF VALIDITY OF CHALLENGE. When a person challenges the array or a grand juror, the court shall hear proof and decide in a summary manner whether the challenge is well founded. (Code Crim. Proc., Art. 19.32.)

Art. 19A.155.  ADDITIONAL PROSPECTIVE GRAND JURORS SUMMONED FOLLOWING CHALLENGE. (a) If the court sustains a challenge to the array, the court shall order another grand jury to be summoned.

(b)  If, because of a challenge to any particular grand juror, fewer than 12 grand jurors remain, the court shall order the panel to be completed. (Code Crim. Proc., Art. 19.33.)

SUBCHAPTER E. IMPANELING OF GRAND JURY

Art. 19A.201.  GRAND JURY IMPANELED. (a) When at least 16 qualified grand jurors are found to be present, the court shall select 12 fair and impartial persons as grand jurors and 4 additional persons as alternate grand jurors to serve on disqualification or unavailability of a grand juror during the term of the grand jury. The grand jurors and the alternate grand jurors must be randomly selected from a fair cross section of the population of the area served by the court.

(b)  The court shall impanel the grand jurors and alternate grand jurors, unless a challenge is made to the array or to a particular person presented to serve as a grand juror or an alternate grand juror.

(c)  A grand juror is considered to be impaneled after the grand juror's qualifications have been tested and the grand juror has been sworn. (Code Crim. Proc., Arts. 19.26(a), (b) (part), 19.29 (part).)

Art. 19A.202.  OATH OF GRAND JURORS. The court or a person under the direction of the court shall administer the following oath to the grand jurors when the grand jury is completed: "You solemnly swear that you will diligently inquire into, and true presentment make, of all such matters and things as shall be given you in charge; the State's counsel, your fellows and your own, you shall keep secret, unless required to disclose the same in the course of a judicial proceeding in which the truth or falsity of evidence given in the grand jury room, in a criminal case, shall be under investigation. You shall present no person from envy, hatred or malice; neither shall you leave any person unpresented for love, fear, favor, affection or hope of reward; but you shall present things truly as they come to your knowledge, according to the best of your understanding, so help you God." (Code Crim. Proc., Art. 19.34 (part).)

Art. 19A.203.  FOREPERSON. (a) When the grand jury is completed, the court shall appoint one of the grand jurors as foreperson.

(b)  If the foreperson is for any cause absent or unable or disqualified to act, the court shall appoint another grand juror as foreperson. (Code Crim. Proc., Arts. 19.34 (part), 19.39.)

Art. 19A.204.  COURT INSTRUCTIONS. The court shall instruct the grand jury regarding the grand jurors' duty. (Code Crim. Proc., Art. 19.35.)

SUBCHAPTER F. ORGANIZATION AND TERM OF GRAND JURY

Art. 19A.251.  QUORUM. Nine grand jurors constitute a quorum for the purpose of discharging a duty or exercising a right properly belonging to the grand jury. (Code Crim. Proc., Art. 19.40.)

Art. 19A.252.  DISQUALIFICATION OR UNAVAILABILITY OF GRAND JUROR. (a) On learning that a grand juror has become disqualified or unavailable during the term of the grand jury, the attorney representing the state shall prepare an order for the court:

(1)  identifying the disqualified or unavailable grand juror;

(2)  stating the basis for the disqualification or unavailability;

(3)  dismissing the disqualified or unavailable grand juror from the grand jury; and

(4)  naming one of the alternate grand jurors as a member of the grand jury.

(b)  The procedure established by this article may be used on disqualification or unavailability of a second or subsequent grand juror during the term of the grand jury.

(c)  For purposes of this article, a grand juror is unavailable if the grand juror is unable to participate fully in the duties of the grand jury because of:

(1)  the death of the grand juror;

(2)  a physical or mental illness of the grand juror; or

(3)  any other reason the court determines constitutes good cause for dismissing the grand juror. (Code Crim. Proc., Art. 19.26(b) (part).)

Art. 19A.253.  RECUSAL OF GRAND JUROR. (a) A grand juror who, during the course of the grand juror's service on the grand jury, determines that the grand juror could be subject to a valid challenge for cause under Article 19A.153, shall recuse himself or herself from grand jury service until the cause no longer exists.

(b)  A grand juror who knowingly fails to recuse himself or herself under Subsection (a) may be held in contempt of court.

(c)  A person authorized to be present in the grand jury room shall report a known violation of Subsection (a) to the court.

(d)  The court shall instruct the grand jury regarding the duty imposed by this article. (Code Crim. Proc., Art. 19.315.)

Art. 19A.254.  REASSEMBLY OF GRAND JURY. A grand jury discharged by the court for the term may be reassembled by the court at any time during the term. (Code Crim. Proc., Art. 19.41.)

Art. 19A.255.  EXTENSION OF TERM. (a) If, before the expiration of the term for which the grand jury was impaneled, the foreperson or a majority of the grand jurors declares in open court that the grand jury's investigation of the matters before the grand jury cannot be concluded before the expiration of the term, the judge of the district court in which the grand jury was impaneled may, by an order entered on the minutes of the court, extend, from time to time, the period during which the grand jury serves, for the purpose of concluding the investigation of matters then before the grand jury.

(b)  The extended period during which the grand jury serves under Subsection (a) may not exceed a total of 90 days after the expiration date of the term for which the grand jury was impaneled.

(c)  All indictments pertaining to the investigation for which the extension was granted returned by the grand jury during the extended period are as valid as if returned before the expiration of the term. (Code Crim. Proc., Art. 19.07.)

SUBCHAPTER G. BAILIFFS

Art. 19A.301.  BAILIFFS APPOINTED; COMPENSATION. (a) The court and the district attorney may each appoint one or more bailiffs to attend to the grand jury.

(b)  The court, or a person under the direction of the court, shall administer the following oath to each bailiff at the time of appointment: "You solemnly swear that you will faithfully and impartially perform all the duties of bailiff of the grand jury, and that you will keep secret the proceedings of the grand jury, so help you God."

(c)  Bailiffs appointed under this article shall be compensated in an amount set by the applicable county commissioners court. (Code Crim. Proc., Art. 19.36.)

Art. 19A.302.  BAILIFF'S DUTIES. (a) A bailiff shall:

(1)  obey the instructions of the foreperson;

(2)  summon all witnesses; and

(3)  perform all duties the foreperson requires of the bailiff.

(b)  One bailiff shall always be with the grand jury if two or more bailiffs are appointed. (Code Crim. Proc., Art. 19.37.)

Art. 19A.303.  BAILIFF'S VIOLATION OF DUTY. (a) A bailiff may not:

(1)  take part in the discussions or deliberations of the grand jury; or

(2)  be present when the grand jury is discussing or voting on a question.

(b)  The grand jury shall report to the court any violation of duty by a bailiff. The court may punish the bailiff for the violation as for contempt. (Code Crim. Proc., Art. 19.38.)

SECTION 1.04.  Title 1, Code of Criminal Procedure, is amended by adding Chapter 20A to read as follows:

CHAPTER 20A. GRAND JURY PROCEEDINGS

SUBCHAPTER A. GENERAL PROVISIONS

Art. 20A.001.  DEFINITIONS

SUBCHAPTER B. DUTIES OF GRAND JURY AND GRAND JURORS

Art. 20A.051.  DUTIES OF GRAND JURY

Art. 20A.052.  DUTIES AND POWERS OF FOREPERSON

Art. 20A.053.  MEETING AND ADJOURNMENT

SUBCHAPTER C. GRAND JURY ROOM; PERSONS AUTHORIZED TO BE PRESENT

Art. 20A.101.  GRAND JURY ROOM

Art. 20A.102.  PERSONS WHO MAY BE PRESENT IN GRAND JURY

                 ROOM

Art. 20A.103.  ATTORNEY REPRESENTING STATE ENTITLED TO

                 APPEAR

Art. 20A.104.  PERSONS WHO MAY ADDRESS GRAND JURY

SUBCHAPTER D. ADVICE TO GRAND JURY

Art. 20A.151.  ADVICE FROM ATTORNEY REPRESENTING STATE

Art. 20A.152.  ADVICE FROM COURT

SUBCHAPTER E. RECORDING AND DISCLOSURE OF GRAND JURY PROCEEDINGS

Art. 20A.201.  RECORDING OF ACCUSED OR SUSPECTED

                 PERSON'S TESTIMONY; RETENTION OF

                 RECORDS

Art. 20A.202.  PROCEEDINGS SECRET

Art. 20A.203.  DISCLOSURE BY PERSON IN PROCEEDING

                 PROHIBITED

Art. 20A.204.  DISCLOSURE BY ATTORNEY REPRESENTING

                 STATE

Art. 20A.205.  PETITION FOR DISCLOSURE BY DEFENDANT

SUBCHAPTER F. WITNESSES

Art. 20A.251.  IN-COUNTY WITNESS

Art. 20A.252.  OUT-OF-COUNTY WITNESS

Art. 20A.253.  EXECUTION OF PROCESS

Art. 20A.254.  EVASION OF PROCESS

Art. 20A.255.  WITNESS REFUSAL TO TESTIFY

Art. 20A.256.  WITNESS OATH

Art. 20A.257.  EXAMINATION OF WITNESSES

Art. 20A.258.  EXAMINATION OF ACCUSED OR SUSPECTED

                 PERSON

Art. 20A.259.  PEACE OFFICER TESTIMONY BY VIDEO

                 TELECONFERENCING

SUBCHAPTER G. INDICTMENT

Art. 20A.301.  VOTING ON INDICTMENT

Art. 20A.302.  PREPARATION OF INDICTMENT

Art. 20A.303.  PRESENTMENT OF INDICTMENT

Art. 20A.304.  PRESENTMENT OF INDICTMENT ENTERED IN

                 RECORD

CHAPTER 20A. GRAND JURY PROCEEDINGS

SUBCHAPTER A. GENERAL PROVISIONS

Art. 20A.001.  DEFINITIONS. In this chapter:

(1)  "Attorney representing the state" means the attorney general, district attorney, criminal district attorney, or county attorney.

(2)  "Foreperson" means the foreperson of the grand jury appointed under Article 19A.203. (Code Crim. Proc., Art. 20.03 (part); New.)

SUBCHAPTER B. DUTIES OF GRAND JURY AND GRAND JURORS

Art. 20A.051.  DUTIES OF GRAND JURY. The grand jury shall inquire into all offenses subject to indictment of which any grand juror may have knowledge or of which the grand jury is informed by the attorney representing the state or by any other credible person. (Code Crim. Proc., Art. 20.09.)

Art. 20A.052.  DUTIES AND POWERS OF FOREPERSON. (a) The foreperson shall:

(1)  preside over the grand jury's sessions; and

(2)  conduct the grand jury's business and proceedings in an orderly manner.

(b)  The foreperson may appoint one or more of the grand jurors to act as clerks for the grand jury. (Code Crim. Proc., Art. 20.07.)

Art. 20A.053.  MEETING AND ADJOURNMENT. The grand jury shall meet and adjourn at times agreed on by a majority of the grand jury, except that the grand jury may not adjourn for more than three consecutive days unless the court consents to the adjournment. With the court's consent, the grand jury may adjourn for a longer period and shall conform the grand jury's adjournments as closely as possible to the court's adjournments. (Code Crim. Proc., Art. 20.08.)

SUBCHAPTER C. GRAND JURY ROOM; PERSONS AUTHORIZED TO BE PRESENT

Art. 20A.101.  GRAND JURY ROOM. After the grand jury is organized, the grand jury shall discharge the grand jury's duties in a suitable place that the sheriff shall prepare for the grand jury's sessions. (Code Crim. Proc., Art. 20.01.)

Art. 20A.102.  PERSONS WHO MAY BE PRESENT IN GRAND JURY ROOM. (a) While the grand jury is conducting proceedings, only the following persons may be present in the grand jury room:

(1)  a grand juror;

(2)  a bailiff;

(3)  the attorney representing the state;

(4)  a witness:

(A)  while the witness is being examined; or

(B)  when the witness's presence is necessary to assist the attorney representing the state in examining another witness or presenting evidence to the grand jury;

(5)  an interpreter, if necessary;

(6)  a stenographer or a person operating an electronic recording device, as provided by Article 20A.201; and

(7)  a person operating a video teleconferencing system for use under Article 20A.259.

(b)  While the grand jury is deliberating, only a grand juror may be present in the grand jury room. (Code Crim. Proc., Art. 20.011.)

Art. 20A.103.  ATTORNEY REPRESENTING STATE ENTITLED TO APPEAR. The attorney representing the state is entitled to appear before the grand jury and inform the grand jury of offenses subject to indictment at any time except when the grand jury is discussing the propriety of finding an indictment or is voting on an indictment. (Code Crim. Proc., Art. 20.03 (part).)

Art. 20A.104.  PERSONS WHO MAY ADDRESS GRAND JURY. No person may address the grand jury about a matter before the grand jury other than the attorney representing the state, a witness, or the accused or suspected person or the attorney for the accused or suspected person if approved by the attorney representing the state. (Code Crim. Proc., Art. 20.04 (part).)

SUBCHAPTER D. ADVICE TO GRAND JURY

Art. 20A.151.  ADVICE FROM ATTORNEY REPRESENTING STATE. The grand jury may send for the attorney representing the state and ask the attorney's advice on any matter of law or on any question regarding the discharge of the grand jury's duties. (Code Crim. Proc., Art. 20.05.)

Art. 20A.152.  ADVICE FROM COURT. (a) The grand jury may seek and receive advice from the court regarding any matter before the grand jury. For that purpose, the grand jury shall go into court in a body.

(b)  The grand jury shall ensure that the manner in which the grand jury's questions are asked does not divulge the particular accusation pending before the grand jury.

(c)  The grand jury may submit questions to the court in writing. The court may respond to those questions in writing. (Code Crim. Proc., Art. 20.06.)

SUBCHAPTER E. RECORDING AND DISCLOSURE OF GRAND JURY PROCEEDINGS

Art. 20A.201.  RECORDING OF ACCUSED OR SUSPECTED PERSON'S TESTIMONY; RETENTION OF RECORDS. (a) The examination of an accused or suspected person before the grand jury and that person's testimony shall be recorded by a stenographer or by use of an electronic device capable of recording sound.

(b)  The validity of a grand jury proceeding is not affected by an unintentional failure to record all or part of the examination or testimony under Subsection (a).

(c)  The attorney representing the state shall maintain possession of all records other than stenographer's notes made under Subsection (a) and any typewritten transcription of those records, except as otherwise provided by this subchapter. (Code Crim. Proc., Art. 20.012.)

Art. 20A.202.  PROCEEDINGS SECRET. (a) Grand jury proceedings are secret.

(b)  A subpoena or summons relating to a grand jury proceeding or investigation must be kept secret to the extent and for as long as necessary to prevent the unauthorized disclosure of a matter before the grand jury. This subsection may not be construed to limit a disclosure permitted by Article 20A.204(b), (c), or (d) or 20A.205(a) or (b). (Code Crim. Proc., Arts. 20.02(a), (h).)

Art. 20A.203.  DISCLOSURE BY PERSON IN PROCEEDING PROHIBITED. (a) A grand juror, bailiff, interpreter, stenographer or person operating an electronic recording device, person preparing a typewritten transcription of a stenographic or electronic recording, or person operating a video teleconferencing system for use under Article 20A.259 who discloses anything transpiring before the grand jury in the course of the grand jury's official duties, regardless of whether the thing transpiring is recorded, may be punished by a fine not to exceed $500, as for contempt of court, by a term of confinement not to exceed 30 days, or both.

(b)  A witness who reveals any matter about which the witness is examined or that the witness observes during a grand jury proceeding, other than when the witness is required to give evidence on that matter in due course, may be punished by a fine not to exceed $500, as for contempt of court, and by a term of confinement not to exceed six months. (Code Crim. Proc., Arts. 20.02(b), 20.16(b).)

Art. 20A.204.  DISCLOSURE BY ATTORNEY REPRESENTING STATE. (a) The attorney representing the state may not disclose anything transpiring before the grand jury except as permitted by this article or Article 20A.205(a) or (b).

(b)  In performing the attorney's duties, the attorney representing the state may disclose or permit a disclosure of a record made under Article 20A.201 or a typewritten transcription of that record, or may make or permit a disclosure otherwise prohibited by Article 20A.203, to a grand juror serving on the grand jury before which the record was made, another grand jury, a law enforcement agency, or a prosecuting attorney, as the attorney representing the state determines is necessary to assist the attorney in the performance of the attorney's duties.

(c)  The attorney representing the state shall warn any person authorized to receive information under Subsection (b) of the person's duty to maintain the secrecy of the information.

(d)  A person who receives information under Subsection (b) and discloses that information for purposes other than those permitted by that subsection may be punished for contempt in the same manner as a person who violates Article 20A.203(a). (Code Crim. Proc., Arts. 20.02(c), (g).)

Art. 20A.205.  PETITION FOR DISCLOSURE BY DEFENDANT. (a) The defendant may petition a court to order the disclosure of information made secret by Article 20A.202, 20A.203(a), or 20A.204, including a recording or typewritten transcription under Article 20A.201, as a matter preliminary to or in connection with a judicial proceeding. The court may order disclosure of the information if the defendant shows a particularized need.

(b)  A petition for disclosure under Subsection (a) must be filed in the district court in which the case is pending. The defendant must also file a copy of the petition with the attorney representing the state, the parties to the judicial proceeding, and any other person the court requires. Each person who receives a copy of the petition under this subsection is entitled to appear before the court. The court shall provide interested parties with an opportunity to appear and present arguments for or against the requested disclosure.

(c)  A person who receives information under this article and discloses that information may be punished for contempt in the same manner as a person who violates Article 20A.203(a). (Code Crim. Proc., Arts. 20.02(d), (e), (f).)

SUBCHAPTER F. WITNESSES

Art. 20A.251.  IN-COUNTY WITNESS. (a) In term time or vacation, the foreperson or the attorney representing the state may issue a summons or attachment for any witness in the county in which the grand jury sits.

(b)  A summons or attachment issued under Subsection (a) may require the witness to appear before the grand jury at a specified time, or immediately, without stating the matter under investigation. (Code Crim. Proc., Art. 20.10.)

Art. 20A.252.  OUT-OF-COUNTY WITNESS. (a) The foreperson or the attorney representing the state may cause a subpoena or attachment for a witness to be issued to any county in the state by submitting a written application to the district court stating the name and residence of the witness and that the witness's testimony is believed to be material.

(b)  A subpoena or attachment issued under this article:

(1)  is returnable to the grand jury in session or to the next grand jury for the county in which the subpoena or attachment was issued, as determined by the applicant; and

(2)  shall be served and returned in the manner prescribed by Chapter 24.

(c)  A subpoena issued under this article may require the witness to appear and produce records and documents.

(d)  A witness subpoenaed under this article shall be compensated as provided by this code.

(e)  An attachment issued under this article must command the sheriff or any constable of the county in which the witness resides to serve the witness and to bring the witness before the grand jury at a time and place specified in the attachment.

(f)  The attorney representing the state may cause an attachment to be issued under this article in term time or vacation. (Code Crim. Proc., Arts. 20.11, 20.12.)

Art. 20A.253.  EXECUTION OF PROCESS. (a) A bailiff or other officer who receives process to be served from the grand jury shall immediately execute the process and return the process to:

(1)  the foreperson, if the grand jury is in session; or

(2)  the district clerk, if the grand jury is not in session.

(b)  If the process is returned unexecuted, the return must state why the process was not executed. (Code Crim. Proc., Art. 20.13.)

Art. 20A.254.  EVASION OF PROCESS. If the court determines that a witness for whom an attachment has been issued to appear before the grand jury is in any manner wilfully evading the service of the summons or attachment, the court may fine the witness, as for contempt, in an amount not to exceed $500. (Code Crim. Proc., Art. 20.14.)

Art. 20A.255.  WITNESS REFUSAL TO TESTIFY. (a) If a witness brought in any manner before a grand jury refuses to testify, the witness's refusal shall be communicated to the attorney representing the state or to the court.

(b)  The court may compel a witness described by Subsection (a) to answer a proper question by imposing a fine not to exceed $500 and by committing the witness to jail until the witness is willing to testify. (Code Crim. Proc., Art. 20.15.)

Art. 20A.256.  WITNESS OATH. Before each witness is examined, the foreperson or a person under the foreperson's direction shall administer the following oath to the witness: "You solemnly swear that you will not reveal, by your words or conduct, and will keep secret any matter about which you may be examined or that you have observed during the proceedings of the grand jury, and that you will answer truthfully the questions asked of you by the grand jury, or under its direction, so help you God." (Code Crim. Proc., Art. 20.16(a).)

Art. 20A.257.  EXAMINATION OF WITNESSES. (a) Only a grand juror or the attorney representing the state may examine a witness before the grand jury.

(b)  The attorney representing the state shall advise the grand jury regarding the proper mode of examining a witness.

(c)  If a felony has been committed in any county in the grand jury's jurisdiction, and the name of the offender is known or unknown or if it is uncertain when or how the felony was committed, the grand jury shall first state the subject matter under investigation to a witness called before the grand jury and may then ask questions relevant to the transaction in general terms and in a manner that enables a determination as to whether the witness has knowledge of the violation of any particular law by any person, and if so, by what person. (Code Crim. Proc., Arts. 20.04 (part), 20.18.)

Art. 20A.258.  EXAMINATION OF ACCUSED OR SUSPECTED PERSON. (a) Before the examination of an accused or suspected person who is subpoenaed to appear before the grand jury, the person shall be:

(1)  provided the warnings described by Subsection (b) orally and in writing; and

(2)  given a reasonable opportunity to:

(A)  retain counsel or apply to the court for an appointed attorney; and

(B)  consult with counsel before appearing before the grand jury.

(b)  The warnings required under Subsection (a)(1) must consist of the following:

"Your testimony before this grand jury is under oath. Any material question that is answered falsely before this grand jury subjects you to being prosecuted for aggravated perjury. You have the right to refuse to make answers to any question, the answer to which would incriminate you in any manner. You have the right to have a lawyer present outside this chamber to advise you before making answers to questions you feel might incriminate you. Any testimony you give may be used against you at any subsequent proceeding. If you are unable to employ a lawyer, you have the right to have a lawyer appointed to advise you before making an answer to a question, the answer to which you feel might incriminate you."

(c)  In examining an accused or suspected person, the grand jury shall:

(1)  first state:

(A)  the offense of which the person is accused or suspected;

(B)  the county in which the offense is alleged to have been committed; and

(C)  as closely as possible, the time the offense was committed; and

(2)  direct the examination to the offense under investigation. (Code Crim. Proc., Art. 20.17.)

Art. 20A.259.  PEACE OFFICER TESTIMONY BY VIDEO TELECONFERENCING. (a) With the consent of the foreperson and the attorney representing the state, a peace officer summoned to testify before the grand jury may testify through the use of a closed circuit video teleconferencing system that provides a simultaneous, encrypted, compressed full motion video and interactive communication of image and sound between the officer, the grand jury, and the attorney representing the state.

(b)  In addition to being administered the oath required under Article 20A.256, before being examined, a peace officer testifying through the use of a closed circuit video teleconferencing system under this article shall affirm that the officer's testimony:

(1)  cannot be heard by any person other than a person in the grand jury room; and

(2)  is not being recorded or otherwise preserved by any person at the location from which the officer is testifying.

(c)  Testimony received from a peace officer under this article shall be recorded in the same manner as other testimony taken before the grand jury and shall be preserved. (Code Crim. Proc., Art. 20.151.)

SUBCHAPTER G. INDICTMENT

Art. 20A.301.  VOTING ON INDICTMENT. After all the testimony accessible to the grand jury has been given with respect to any criminal accusation, the grand jury shall vote on the presentment of an indictment. If at least nine grand jurors concur in finding the bill, the foreperson shall make a memorandum of the vote with any information enabling the attorney representing the state to prepare the indictment. (Code Crim. Proc., Art. 20.19.)

Art. 20A.302.  PREPARATION OF INDICTMENT. (a) The attorney representing the state shall prepare, with as little delay as possible, each indictment found by the grand jury and shall deliver the indictment to the foreperson. The attorney shall endorse on the indictment the name of each witness on whose testimony the indictment was found.

(b)  The foreperson shall officially sign each indictment prepared and delivered under Subsection (a). (Code Crim. Proc., Art. 20.20.)

Art. 20A.303.  PRESENTMENT OF INDICTMENT. When an indictment is ready to be presented, the grand jury shall, through the foreperson, deliver the indictment to the judge or court clerk. At least nine grand jurors must be present to deliver the indictment. (Code Crim. Proc., Art. 20.21.)

Art. 20A.304.  PRESENTMENT OF INDICTMENT ENTERED IN RECORD. (a) If the defendant is in custody or under bond at the time the indictment is presented, the fact of the presentment shall be entered in the court's record, noting briefly the style of the criminal action, the file number of the indictment, and the defendant's name.

(b)  If the defendant is not in custody or under bond at the time the indictment is presented, the indictment may not be made public and the entry in the court's record relating to the indictment must be delayed until the capias is served and the defendant is placed in custody or under bond. (Code Crim. Proc., Art. 20.22.)

SECTION 1.05.  Title 1, Code of Criminal Procedure, is amended by adding Chapter 56A to read as follows:

CHAPTER 56A. RIGHTS OF CRIME VICTIMS

SUBCHAPTER A. GENERAL PROVISIONS

Art. 56A.001.  DEFINITIONS

SUBCHAPTER B. CRIME VICTIMS' RIGHTS

Art. 56A.051.  GENERAL RIGHTS

Art. 56A.052.  ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL

                 ASSAULT, STALKING, OR TRAFFICKING

Art. 56A.053.  FAILURE TO PROVIDE RIGHT OR SERVICE

Art. 56A.054.  STANDING

SUBCHAPTER C. ADDITIONAL PROTECTIONS FOR VICTIMS AND WITNESSES

Art. 56A.101.  VICTIM PRIVACY

Art. 56A.102.  VICTIM OR WITNESS DISCOVERY ATTENDANCE

SUBCHAPTER D. VICTIM IMPACT STATEMENT

Art. 56A.151.  VICTIM IMPACT STATEMENT; INFORMATION

                 BOOKLET

Art. 56A.152.  RECOMMENDATIONS TO ENSURE SUBMISSION OF

                 STATEMENT

Art. 56A.153.  NOTIFICATION TO COURT REGARDING RELEASE

                 OF DEFENDANT WITH ACCESS TO CHILD

                 VICTIM

Art. 56A.154.  CHANGE OF ADDRESS

Art. 56A.155.  DISCOVERY OF STATEMENT

Art. 56A.156.  INSPECTION OF STATEMENT BY COURT;

                 DISCLOSURE OF CONTENTS

Art. 56A.157.  CONSIDERATION OF STATEMENT BY COURT

Art. 56A.158.  DEFENDANT RESPONSE TO STATEMENT

Art. 56A.159.  TRANSFER OF STATEMENT AFTER SENTENCING

Art. 56A.160.  SURVEY PLAN REGARDING STATEMENTS

SUBCHAPTER E. VICTIM ASSISTANCE COORDINATOR; CRIME VICTIM LIAISON

Art. 56A.201.  DESIGNATION OF VICTIM ASSISTANCE

                 COORDINATOR

Art. 56A.202.  DUTIES OF VICTIM ASSISTANCE COORDINATOR

Art. 56A.203.  DESIGNATION OF CRIME VICTIM LIAISON

Art. 56A.204.  DUTIES OF CRIME VICTIM LIAISON

Art. 56A.205.  PSYCHOLOGICAL COUNSELING FOR CERTAIN

                 JURORS

SUBCHAPTER F. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT VICTIM REPORTING ASSAULT

Art. 56A.251.  REQUEST FOR FORENSIC MEDICAL EXAMINATION

Art. 56A.252.  PAYMENT OF COSTS OF EXAMINATION

Art. 56A.253.  PAYMENT OF COSTS RELATED TO TESTIMONY

Art. 56A.254.  PAYMENT OF COSTS FOR CERTAIN MEDICAL

                 CARE

Art. 56A.255.  PAYMENT OF COSTS OF TREATMENT NOT

                 REQUIRED

SUBCHAPTER G. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT VICTIM NOT REPORTING ASSAULT

Art. 56A.301.  DEFINITIONS

Art. 56A.302.  APPLICABILITY

Art. 56A.303.  FORENSIC MEDICAL EXAMINATION

Art. 56A.304.  PAYMENT OF FEES RELATED TO EXAMINATION

Art. 56A.305.  PAYMENT OF COSTS FOR CERTAIN MEDICAL

                 CARE

Art. 56A.306.  PROCEDURES FOR TRANSFER AND PRESERVATION

                 OF EVIDENCE

Art. 56A.307.  PROCEDURES FOR SUBMISSION OR COLLECTION

                 OF ADDITIONAL EVIDENCE

Art. 56A.308.  CONFIDENTIALITY OF CERTAIN RECORDS

Art. 56A.309.  RULES

SUBCHAPTER H. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING FORENSIC MEDICAL EXAMINATION

Art. 56A.351.  PRESENCE OF SEXUAL ASSAULT PROGRAM

                 ADVOCATE

Art. 56A.352.  REPRESENTATIVE PROVIDED BY PENAL

                 INSTITUTION

SUBCHAPTER I. REQUIRED NOTIFICATIONS BY LAW ENFORCEMENT AGENCY

Art. 56A.401.  NOTIFICATION OF RIGHTS

Art. 56A.402.  REFERRAL TO SEXUAL ASSAULT PROGRAM

SUBCHAPTER J. REQUIRED NOTIFICATIONS BY ATTORNEY REPRESENTING THE STATE

Art. 56A.451.  NOTIFICATION OF RIGHTS

Art. 56A.452.  NOTIFICATION OF SCHEDULED COURT

                 PROCEEDINGS

Art. 56A.453.  NOTIFICATION OF PLEA BARGAIN AGREEMENT

Art. 56A.454.  VICTIM CONTACT INFORMATION

SUBCHAPTER K. NOTIFICATION BY CERTAIN ENTITIES OF RELEASE OR ESCAPE

Art. 56A.501.  DEFINITIONS

Art. 56A.502.  APPLICABILITY

Art. 56A.503.  NOTIFICATION OF RELEASE OR ESCAPE

Art. 56A.504.  NOTIFICATION REGARDING DEFENDANT SUBJECT

                 TO ELECTRONIC MONITORING

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CHAPTER 56A. RIGHTS OF CRIME VICTIMS

SUBCHAPTER A. GENERAL PROVISIONS

Art. 56A.001.  DEFINITIONS. Except as otherwise provided by this chapter, in this chapter:

(1)  "Board" means the Board of Pardons and Paroles.

(2)  "Clearinghouse" means the Texas Crime Victim Clearinghouse.

(3)  "Close relative of a deceased victim" means a person who:

(A)  was the spouse of a deceased victim at the time of the victim's death; or

(B)  is a parent or adult brother, sister, or child of a deceased victim.

(4)  "Department" means the Texas Department of Criminal Justice.

(5)  "Guardian of a victim" means a person who is the legal guardian of the victim, regardless of whether the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim.

(6)  "Sexual assault" means an offense under the following provisions of the Penal Code:

(A)  Section 21.02;

(B)  Section 21.11(a)(1);

(C)  Section 22.011; or

(D)  Section 22.021.

(7)  "Victim" means a person who:

(A)  is the victim of the offense of:

(i)  sexual assault;

(ii)  kidnapping;

(iii)  aggravated robbery;

(iv)  trafficking of persons; or

(v)  injury to a child, elderly individual, or disabled individual; or

(B)  has suffered personal injury or death as a result of the criminal conduct of another. (Code Crim. Proc., Art. 56.01; New.)

SUBCHAPTER B. CRIME VICTIMS' RIGHTS

Art. 56A.051.  GENERAL RIGHTS. (a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1)  the right to receive from a law enforcement agency adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2)  the right to have the magistrate consider the safety of the victim or the victim's family in setting the amount of bail for the defendant;

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

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

(B)  by an appellate court of the court's decisions, after the decisions are entered but before the decisions are made public;

(4)  when requested, the right to be informed:

(A)  by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations; and

(B)  by the office of the attorney representing the state concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5)  the right to provide pertinent information to a community supervision and corrections department conducting a presentencing investigation concerning the impact of the offense on the victim and the victim's family by testimony, written statement, or any other manner before any sentencing of the defendant;

(6)  the right to receive information regarding compensation to victims of crime as provided by Chapter 56B, including information related to the costs that may be compensated under that chapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that chapter, the payment for a forensic medical examination under Article 56A.252 for a victim of an alleged sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

(7)  the right to:

(A)  be informed, on request, of parole procedures;

(B)  participate in the parole process;

(C)  provide to the board for inclusion in the defendant's file information to be considered by the board before the parole of any defendant convicted of any offense subject to this chapter; and

(D)  be notified, if requested, of parole proceedings concerning a defendant in the victim's case and of the defendant's release;

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

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

(10)  the right to have the attorney representing the state notify the victim's employer, if requested, that the victim's cooperation and testimony is necessary in a proceeding that may require the victim to be absent from work for good cause;

(11)  the right to request victim-offender mediation coordinated by the victim services division of the department;

(12)  the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system as described by Subchapter D, to complete the victim impact statement, and to have the victim impact statement considered:

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

(B)  by the board before a defendant is released on parole;

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

(14)  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.

(b)  A victim, guardian of a victim, or close relative of a deceased victim is entitled to the right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case.

(c)  The office of the attorney representing the state and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is provided the rights granted by this subchapter and, on request, an explanation of those rights. (Code Crim. Proc., Arts. 56.02(a), (b), (c).)

Art. 56A.052.  ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL ASSAULT, STALKING, OR TRAFFICKING. (a) If the offense is a sexual assault, a victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1)  if requested, the right to a disclosure of information regarding:

(A)  any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed; and

(B)  the status of any analysis being performed of any evidence described by Paragraph (A);

(2)  if requested, the right to be notified:

(A)  at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;

(B)  at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and

(C)  of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;

(3)  if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection; and

(4)  for the victim, the right to:

(A)  testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and

(B)  a forensic medical examination to the extent provided by Subchapters F and G if, within 96 hours of the offense:

(i)  the offense is reported to a law enforcement agency; or

(ii)  a forensic medical examination is otherwise conducted at a health care facility.

(b)  A victim, guardian of a victim, or close relative of a deceased victim who requests to be notified under Subsection (a)(2) must provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense. The victim, guardian, or relative must inform the attorney representing the state and the law enforcement agency of any change in the address or phone number.

(c)  A victim, guardian of a victim, or close relative of a deceased victim may designate a person, including an entity that provides services to victims of sexual assault, to receive any notice requested under Subsection (a)(2).

(d)  This subsection applies only to a victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 42.072, or 43.05, Penal Code. A victim described by this subsection or a parent or guardian of the victim is entitled to the following rights within the criminal justice system:

(1)  the right to be informed:

(A)  that the victim or the victim's parent or guardian, as applicable, may file an application for a protective order under Article 7B.001;

(B)  of the court in which the application for a protective order may be filed; and

(C)  that, on request of the victim or of the victim's parent or guardian, as applicable, and subject to the Texas Disciplinary Rules of Professional Conduct, the attorney representing the state may file the application for a protective order on behalf of the victim;

(2)  the right to request that the attorney representing the state, subject to the Texas Disciplinary Rules of Professional Conduct, file an application for a protective order described by Subdivision (1);

(3)  if the victim or the victim's parent or guardian, as applicable, is present when the defendant is convicted or placed on deferred adjudication community supervision, the right to:

(A)  be given by the court the information described by Subdivision (1); and

(B)  file an application for a protective order under Article 7B.001 immediately following the defendant's conviction or placement on deferred adjudication community supervision if the court has jurisdiction over the application; and

(4)  if the victim or the victim's parent or guardian, as applicable, is not present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the attorney representing the state the information described by Subdivision (1). (Code Crim. Proc., Art. 56.021.)

Art. 56A.053.  FAILURE TO PROVIDE RIGHT OR SERVICE. (a) A judge, attorney representing the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right granted by this subchapter.

(b)  The failure or inability of any person to provide a right or service granted by this subchapter may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition. (Code Crim. Proc., Art. 56.02(d) (part).)

Art. 56A.054.  STANDING. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to:

(1)  participate as a party in a criminal proceeding; or

(2)  contest the disposition of any charge. (Code Crim. Proc., Art. 56.02(d) (part).)

SUBCHAPTER C. ADDITIONAL PROTECTIONS FOR VICTIMS AND WITNESSES

Art. 56A.101.  VICTIM PRIVACY. (a) As far as reasonably practical, the address of the victim may not be a part of the court file except as necessary to identify the place of the offense.

(b)  The phone number of the victim may not be a part of the court file. (Code Crim. Proc., Art. 56.09.)

Art. 56A.102.  VICTIM OR WITNESS DISCOVERY ATTENDANCE. Unless absolutely necessary, a victim or witness who is not confined may not be required to attend a deposition in a correctional facility. (Code Crim. Proc., Art. 56.10.)

SUBCHAPTER D. VICTIM IMPACT STATEMENT

Art. 56A.151.  VICTIM IMPACT STATEMENT; INFORMATION BOOKLET. (a) The clearinghouse, with the participation of the board and the community justice assistance division of the department, shall develop a form to be used by law enforcement agencies, attorneys representing the state, and other participants in the criminal justice system to record the impact of an offense on a victim of the offense, guardian of a victim, or close relative of a deceased victim and to provide the agencies, attorneys, and participants with information needed to contact the victim, guardian, or relative if needed at any stage of a prosecution of a person charged with the offense. The clearinghouse, with the participation of the board and the community justice assistance division of the department, shall also develop a victims' information booklet that provides a general explanation of the criminal justice system to victims of an offense, guardians of victims, and relatives of deceased victims.

(b)  The victim impact statement must be in a form designed to:

(1)  inform a victim, guardian of a victim, or close relative of a deceased victim with a clear statement of rights granted by Subchapter B; and

(2)  collect the following information:

(A)  the name of the victim of the offense or, if the victim has a legal guardian or is deceased, the name of a guardian or close relative of the victim;

(B)  the address and telephone number of the victim, guardian, or relative through which the victim, guardian, or relative may be contacted;

(C)  a statement of economic loss suffered by the victim, guardian, or relative as a result of the offense;

(D)  a statement of any physical or psychological injury suffered by the victim, guardian, or relative as a result of the offense, as described by the victim, guardian, or relative or by a physician or counselor;

(E)  a statement of any psychological services requested as a result of the offense;

(F)  a statement of any change in the victim's, guardian's, or relative's personal welfare or familial relationship as a result of the offense;

(G)  a statement regarding whether the victim, guardian, or relative wants to be notified of any parole hearing for the defendant;

(H)  if the victim is a child, whether there is an existing court order granting to the defendant possession of or access to the victim; and

(I)  any other information related to the impact of the offense on the victim, guardian, or relative, other than facts related to the commission of the offense.

(c)  The victim impact statement must include an explanation regarding the procedures by which a victim, guardian of a victim, or close relative of a deceased victim may obtain information concerning the release of the defendant from the department.

(d)  Not later than December 1 of each odd-numbered year, the clearinghouse, with the participation of the board and the community justice assistance division of the department, shall update the victim impact statement form and any other information provided by the community justice assistance division to victims, guardians of victims, and relatives of deceased victims, if necessary, to reflect changes in law relating to criminal justice and the rights of victims and guardians and relatives of victims. (Code Crim. Proc., Arts. 56.03(a), (b), (h), (i) (part).)

Art. 56A.152.  RECOMMENDATIONS TO ENSURE SUBMISSION OF STATEMENT. The victim services division of the department, in consultation with the board, law enforcement agencies, offices of attorneys representing the state, and other participants in the criminal justice system, shall develop recommendations to ensure that completed victim impact statements are submitted to the department as provided by Article 56A.159(b). (Code Crim. Proc., Art. 56.04(d-1).)

Art. 56A.153.  NOTIFICATION TO COURT REGARDING RELEASE OF DEFENDANT WITH ACCESS TO CHILD VICTIM. If information collected under Article 56A.151(b)(2)(H) indicates the defendant is granted possession of or access to a child victim under court order and the department subsequently imprisons the defendant as a result of the defendant's commission of the offense, the victim services division of the department shall contact the court that issued the order before the department releases the defendant on parole or to mandatory supervision. (Code Crim. Proc., Art. 56.03(i) (part).)

Art. 56A.154.  CHANGE OF ADDRESS. If a victim, guardian of a victim, or close relative of a deceased victim states on a victim impact statement that the victim, guardian, or relative wants to be notified of parole proceedings, the victim, guardian, or relative must notify the board of any change of address. (Code Crim. Proc., Art. 56.03(d).)

Art. 56A.155.  DISCOVERY OF STATEMENT. A victim impact statement is subject to discovery under Article 39.14 before the testimony of the victim is taken only if the court determines that the statement contains exculpatory material. (Code Crim. Proc., Art. 56.03(g).)

Art. 56A.156.  INSPECTION OF STATEMENT BY COURT; DISCLOSURE OF CONTENTS. The court may not inspect a victim impact statement until after a finding of guilt or until deferred adjudication community supervision is ordered and the contents of the statement may not be disclosed to any person unless:

(1)  the defendant pleads guilty or nolo contendere or is convicted of the offense; or

(2)  the defendant authorizes the court in writing to inspect the statement. (Code Crim. Proc., Art. 56.03(f).)

Art. 56A.157.  CONSIDERATION OF STATEMENT BY COURT. (a) Before imposing a sentence, a court shall, as applicable, inquire as to whether a victim impact statement has been returned to the attorney representing the state and, if a statement has been returned to the attorney, consider the information provided in the statement.

(b)  On inquiry by the sentencing court, the attorney representing the state shall make a copy of the statement available for consideration by the court. (Code Crim. Proc., Arts. 56.03(e) (part), 56.04(e) (part).)

Art. 56A.158.  DEFENDANT RESPONSE TO STATEMENT. Before sentencing a defendant, a court shall permit the defendant or the defendant's attorney a reasonable period to:

(1)  read the victim impact statement, excluding the victim's name, address, and telephone number;

(2)  comment on the statement; and

(3)  with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the statement. (Code Crim. Proc., Art. 56.03(e) (part).)

Art. 56A.159.  TRANSFER OF STATEMENT AFTER SENTENCING. (a) If a court sentences a defendant to a period of community supervision, the attorney representing the state shall forward any victim impact statement received in the case to the community supervision and corrections department supervising the defendant.

(b)  If a court sentences a defendant to imprisonment in the department, the court shall attach to the commitment papers the copy of the victim impact statement provided to the court under Article 56A.157(b). (Code Crim. Proc., Arts. 56.03(e) (part), 56.04(e) (part).)

Art. 56A.160.  SURVEY PLAN REGARDING STATEMENTS. (a) In this article, "planning body" means the board, the clearinghouse, and the community justice assistance division of the department.

(b)  The planning body shall develop a survey plan to maintain statistics on the numbers and types of persons to whom state and local agencies provide victim impact statements during each year.

(c)  At intervals specified in the survey plan, the planning body may require any state or local agency to submit the following, in a form prescribed for the reporting of the information:

(1)  statistical data on the numbers and types of persons to whom the agency provides victim impact statements; and

(2)  any other information required by the planning body.

(d)  The form described by Subsection (c) must be designed to:

(1)  protect the privacy of persons provided rights under Subchapter B; and

(2)  determine whether the selected agency is making a good faith effort to protect the rights of the persons served. (Code Crim. Proc., Arts. 56.05(a), (b).)

SUBCHAPTER E. VICTIM ASSISTANCE COORDINATOR; CRIME VICTIM LIAISON

Art. 56A.201.  DESIGNATION OF VICTIM ASSISTANCE COORDINATOR. The district attorney, criminal district attorney, or county attorney who prosecutes criminal cases shall designate a person to serve as victim assistance coordinator in that jurisdiction. (Code Crim. Proc., Art. 56.04(a).)

Art. 56A.202.  DUTIES OF VICTIM ASSISTANCE COORDINATOR. (a) The victim assistance coordinator designated under Article 56A.201 shall:

(1)  ensure that a victim, guardian of a victim, or close relative of a deceased victim is provided the rights granted to victims, guardians, or relatives by Subchapter B; and

(2)  work closely with appropriate law enforcement agencies, attorneys representing the state, the board, and the judiciary in carrying out the duty described by Subdivision (1).

(b)  The victim assistance coordinator shall send to a victim, guardian of a victim, or close relative of a deceased victim a victim impact statement and victims' information booklet described by Article 56A.151 and an application for compensation under Chapter 56B. The victim assistance coordinator shall include an offer to assist in completing the statement and application on request.

(c)  The victim assistance coordinator, on request, shall explain the possible use and consideration of the victim impact statement at any sentencing or parole hearing of the defendant. (Code Crim. Proc., Arts. 56.03(c), 56.04(b).)

Art. 56A.203.  DESIGNATION OF CRIME VICTIM LIAISON. Each local law enforcement agency shall designate one person to serve as the agency's crime victim liaison. (Code Crim. Proc., Art. 56.04(c) (part).)

Art. 56A.204.  DUTIES OF CRIME VICTIM LIAISON. (a) The crime victim liaison designated under Article 56A.203 shall ensure that a victim, guardian of a victim, or close relative of a deceased victim is provided the rights granted to victims, guardians, or relatives by Articles 56A.051(a)(4), (6), and (9).

(b)  Each local law enforcement agency shall consult with the victim assistance coordinator in the office of the attorney representing the state to determine the most effective manner in which the crime victim liaison can perform the duties imposed on the crime victim liaison under this article and, if applicable, Article 56A.205. (Code Crim. Proc., Arts. 56.04(c) (part), (d).)

Art. 56A.205.  PSYCHOLOGICAL COUNSELING FOR CERTAIN JURORS. (a) A commissioners court may approve a program in which a crime victim liaison or victim assistance coordinator may offer not more than 10 hours of post-investigation or posttrial psychological counseling for a person who:

(1)  serves as a grand juror, alternate grand juror, juror, or alternate juror in a grand jury investigation or criminal trial involving graphic evidence or testimony; and

(2)  requests the counseling not later than the 180th day after the date on which the grand jury or jury is dismissed.

(b)  The crime victim liaison or victim assistance coordinator may provide the counseling using a provider that assists local criminal justice agencies in providing similar services to victims. (Code Crim. Proc., Art. 56.04(f).)

SUBCHAPTER F. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT VICTIM REPORTING ASSAULT

Art. 56A.251.  REQUEST FOR FORENSIC MEDICAL EXAMINATION. (a)  Except as provided by Subsection (b), if a sexual assault is reported to a law enforcement agency within 96 hours after the assault, the law enforcement agency, with the consent of the victim of the alleged assault, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense.

(b)  A law enforcement agency may decline to request a forensic medical examination under Subsection (a) only if:

(1)  the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency; and

(2)  there is no other evidence to corroborate the current allegations of sexual assault.

(c)  If a sexual assault is not reported within the period described by Subsection (a), on receiving the consent described by that subsection a law enforcement agency may request a forensic medical examination of a victim of an alleged sexual assault as considered appropriate by the agency. (Code Crim. Proc., Arts. 56.06(a), (b).)

Art. 56A.252.  PAYMENT OF COSTS OF EXAMINATION. A law enforcement agency that requests a forensic medical examination under Article 56A.251 shall pay all costs of the examination.  On application to the attorney general, the law enforcement agency is entitled to be reimbursed for the reasonable costs of the examination if the examination was performed by a physician or by a sexual assault examiner or sexual assault nurse examiner, as defined by Section 420.003, Government Code. (Code Crim. Proc., Art. 56.06(c).)

Art. 56A.253.  PAYMENT OF COSTS RELATED TO TESTIMONY. A law enforcement agency or office of the attorney representing the state may pay all costs related to the testimony of a licensed health care professional in a criminal proceeding regarding the results of a forensic medical examination described by Article 56A.251 or the manner in which the examination was performed. (Code Crim. Proc., Art. 56.06(d).)

Art. 56A.254.  PAYMENT OF COSTS FOR CERTAIN MEDICAL CARE. The attorney general may make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided in accordance with Section 323.004, Health and Safety Code. (Code Crim. Proc., Art. 56.06(f).)

Art. 56A.255.  PAYMENT OF COSTS OF TREATMENT NOT REQUIRED. This subchapter does not require a law enforcement agency to pay any costs of treatment for injuries. (Code Crim. Proc., Art. 56.06(e).)

SUBCHAPTER G. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT VICTIM NOT REPORTING ASSAULT

Art. 56A.301.  DEFINITIONS. In this subchapter:

(1)  "Crime laboratory" has the meaning assigned by Article 38.35.

(2)  "Department" means the Department of Public Safety of the State of Texas.

(3)  "Sexual assault examiner" and "sexual assault nurse examiner" have the meanings assigned by Section 420.003, Government Code. (Code Crim. Proc., Art. 56.065(a).)

Art. 56A.302.  APPLICABILITY. This subchapter applies to the following health care facilities that provide diagnosis or treatment services to victims of sexual assault:

(1)  a general or special hospital licensed under Chapter 241, Health and Safety Code;

(2)  a general or special hospital owned by this state;

(3)  an outpatient clinic; and

(4)  a private physician's office. (Code Crim. Proc., Art. 56.065(b).)

Art. 56A.303.  FORENSIC MEDICAL EXAMINATION. (a)  In accordance with Subchapter B, Chapter 420, Government Code, and except as provided by Subsection (b), a health care facility shall conduct a forensic medical examination of a victim of an alleged sexual assault if:

(1)  the victim arrives at the facility within 96 hours after the assault occurred;

(2)  the victim consents to the examination; and

(3)  at the time of the examination the victim has not reported the assault to a law enforcement agency.

(b)  If a health care facility does not provide diagnosis or treatment services to victims of sexual assault, the facility shall refer a victim of an alleged sexual assault who seeks a forensic medical examination under Subsection (a) to a health care facility that provides services to those victims.

(c)  A victim of an alleged sexual assault may not be required to participate in the investigation or prosecution of an offense as a condition of receiving a forensic medical examination under this article. (Code Crim. Proc., Arts. 56.065(c), (e), (h) (part).)

Art. 56A.304.  PAYMENT OF FEES RELATED TO EXAMINATION. (a) The department shall pay the appropriate fees, as set by attorney general rule, for the forensic portion of a forensic medical examination conducted under Article 56A.303(a) and for the evidence collection kit if a physician, sexual assault examiner, or sexual assault nurse examiner conducts the forensic portion of the examination within 96 hours after the alleged sexual assault occurred.

(b)  The attorney general shall reimburse the department for fees paid under Subsection (a).

(c)  A victim of an alleged sexual assault may not be required to pay for:

(1)  the forensic portion of the forensic medical examination; or

(2)  the evidence collection kit. (Code Crim. Proc., Arts. 56.065(d), (h) (part).)

Art. 56A.305.  PAYMENT OF COSTS FOR CERTAIN MEDICAL CARE. The attorney general may make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided in accordance with Section 323.004, Health and Safety Code. (Code Crim. Proc., Art. 56.065(k).)

Art. 56A.306.  PROCEDURES FOR TRANSFER AND PRESERVATION OF EVIDENCE. (a) The department, consistent with Chapter 420, Government Code, shall develop procedures for the transfer and preservation of evidence collected under this subchapter to a crime laboratory or other suitable location designated by the public safety director of the department.

(b)  An entity receiving the evidence shall preserve the evidence until the earlier of:

(1)  the second anniversary of the date on which the evidence was collected; or

(2)  the date on which written consent to release the evidence is obtained as provided by Section 420.0735, Government Code. (Code Crim. Proc., Art. 56.065(g).)

Art. 56A.307.  PROCEDURES FOR SUBMISSION OR COLLECTION OF ADDITIONAL EVIDENCE. The department, consistent with Chapter 420, Government Code, may develop procedures regarding the submission or collection of additional evidence of an alleged sexual assault other than through a forensic medical examination as described by Article 56A.303(a). (Code Crim. Proc., Art. 56.065(f).)

Art. 56A.308.  CONFIDENTIALITY OF CERTAIN RECORDS. (a) In this article, "identifying information" includes information that:

(1)  reveals the identity, personal history, or background of a person; or

(2)  concerns the victimization of a person.

(b)  A communication or record is confidential for purposes of Section 552.101, Government Code, if the communication or record:

(1)  contains identifying information regarding a victim who receives a forensic medical examination under Article 56A.303(a); and

(2)  is created by, provided to, or in the control or possession of the department. (Code Crim. Proc., Art. 56.065(j).)

Art. 56A.309.  RULES. The attorney general and the department shall each adopt rules as necessary to implement this subchapter. (Code Crim. Proc., Art. 56.065(i).)

SUBCHAPTER H. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING FORENSIC MEDICAL EXAMINATION

Art. 56A.351.  PRESENCE OF SEXUAL ASSAULT PROGRAM ADVOCATE. (a) Before conducting a forensic medical examination of a victim who consents to the examination for the collection of evidence for an alleged sexual assault, the physician or other medical services personnel conducting the examination shall offer the victim the opportunity to have an advocate from a sexual assault program as defined by Section 420.003, Government Code, be present with the victim during the examination, if the advocate is available at the time of the examination. The advocate must have completed a sexual assault training program described by Section 420.011(b), Government Code.

(b)  An advocate may only provide the victim with:

(1)  counseling and other support services; and

(2)  information regarding the rights of crime victims under Subchapter B.

(c)  Notwithstanding Subsection (a), an advocate and a sexual assault program providing the advocate may not delay or otherwise impede the screening or stabilization of an emergency medical condition.

(d)  A sexual assault program providing an advocate shall pay all costs associated with providing the advocate.

(e)  Any individual or entity, including a health care facility, that provides an advocate with access under Subsection (a) to a victim consenting to a forensic medical examination is not subject to civil or criminal liability for providing that access. In this article, "health care facility" includes a hospital licensed under Chapter 241, Health and Safety Code. (Code Crim. Proc., Arts. 56.045(a), (b), (c), (d), (e).)

Art. 56A.352.  REPRESENTATIVE PROVIDED BY PENAL INSTITUTION. (a) In this article, "penal institution" has the meaning assigned by Section 1.07, Penal Code.

(b)  If a victim alleging to have sustained injuries as the victim of a sexual assault was confined in a penal institution at the time of the alleged assault, the penal institution shall provide, at the victim's request, a representative to be present with the victim at any forensic medical examination conducted for the purpose of collecting and preserving evidence related to the investigation or prosecution of the alleged assault. The representative must:

(1)  be approved by the penal institution; and

(2)  be a:

(A)  psychologist;

(B)  sociologist;

(C)  chaplain;

(D)  social worker;

(E)  case manager; or

(F)  volunteer who has completed a sexual assault training program described by Section 420.011(b), Government Code.

(c)  A representative may only provide the victim with:

(1)  counseling and other support services; and

(2)  information regarding the rights of crime victims under Subchapter B.

(d)  A representative may not delay or otherwise impede the screening or stabilization of an emergency medical condition. (Code Crim. Proc., Art. 56.045(f).)

SUBCHAPTER I. REQUIRED NOTIFICATIONS BY LAW ENFORCEMENT AGENCY

Art. 56A.401.  NOTIFICATION OF RIGHTS. At the initial contact or at the earliest possible time after the initial contact between a victim of a reported offense and the law enforcement agency having the responsibility for investigating the offense, the agency shall provide the victim a written notice containing:

(1)  information about the availability of emergency and medical services, if applicable;

(2)  information about the rights of crime victims under Subchapter B;

(3)  notice that the victim has the right to receive information regarding compensation to victims of crime as provided by Chapter 56B, including information about:

(A)  the costs that may be compensated under that chapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that chapter;

(B)  the payment for a forensic medical examination under Article 56A.252 for a victim of an alleged sexual assault; and

(C)  referral to available social service agencies that may offer additional assistance;

(4)  the name, address, and phone number of the law enforcement agency's crime victim liaison;

(5)  the name, address, and phone number of the victim assistance coordinator of the office of the attorney representing the state; and

(6)  the following statement:

"You may call the law enforcement agency's telephone number for the status of the case and information about victims' rights." (Code Crim. Proc., Art. 56.07(a).)

Art. 56A.402.  REFERRAL TO SEXUAL ASSAULT PROGRAM. (a) At the time a law enforcement agency provides notice under Article 56A.401, the agency shall provide, if the agency possesses the relevant information:

(1)  a referral to a sexual assault program as defined by Section 420.003, Government Code; and

(2)  a written description of the services provided by the program.

(b)  A sexual assault program may provide a written description of the program's services to a law enforcement agency. (Code Crim. Proc., Art. 56.07(b).)

SUBCHAPTER J. REQUIRED NOTIFICATIONS BY ATTORNEY REPRESENTING THE STATE

Art. 56A.451.  NOTIFICATION OF RIGHTS. (a) Not later than the 10th day after the date that an indictment or information is returned against a defendant for an offense, the attorney representing the state shall give to each victim of the offense a written notice containing:

(1)  the case number and assigned court for the case;

(2)  a brief general statement of each procedural stage in the processing of a criminal case, including bail, plea bargaining, parole restitution, and appeal;

(3)  suggested steps the victim may take if the victim is subjected to threats or intimidation;

(4)  the name, address, and phone number of the local victim assistance coordinator; and

(5)  notification of:

(A)  the rights and procedures under this chapter, Chapter 56B, and Subchapter B, Chapter 58;

(B)  the right to file a victim impact statement with the office of the attorney representing the state and the department;

(C)  the right to receive information regarding compensation to victims of crime as provided by Chapter 56B, including information about:

(i)  the costs that may be compensated under that chapter, eligibility for compensation, and procedures for application for compensation under that chapter;

(ii)  the payment for a forensic medical examination under Article 56A.252 for a victim of an alleged sexual assault; and

(iii)  referral to available social service agencies that may offer additional assistance; and

(D)  the right of a victim, guardian of a victim, or close relative of a deceased victim, as defined by Section 508.117, Government Code, to appear in person before a member of the board as provided by Section 508.153, Government Code.

(b)  The brief general statement required by Subsection (a)(2) that describes the plea bargaining stage in a criminal trial must include a statement that:

(1)  a victim impact statement provided by a victim, guardian of a victim, or close relative of a deceased victim will be considered by the attorney representing the state in entering into a plea bargain agreement; and

(2)  the judge before accepting a plea bargain agreement is required under Article 26.13(e) to ask:

(A)  whether a victim impact statement has been returned to the attorney representing the state;

(B)  if a victim impact statement has been returned, for a copy of the statement; and

(C)  whether the attorney representing the state has given the victim, guardian of a victim, or close relative of a deceased victim notice of the existence and terms of the plea bargain agreement. (Code Crim. Proc., Arts. 56.08(a), (e).)

Art. 56A.452.  NOTIFICATION OF SCHEDULED COURT PROCEEDINGS. If requested by the victim, the attorney representing the state, as far as reasonably practical, shall give the victim notice of:

(1)  any scheduled court proceedings and changes in that schedule; and

(2)  the filing of a request for continuance of a trial setting. (Code Crim. Proc., Art. 56.08(b).)

Art. 56A.453.  NOTIFICATION OF PLEA BARGAIN AGREEMENT. The attorney representing the state, as far as reasonably practical, shall give a victim, guardian of a victim, or close relative of a deceased victim notice of the existence and terms of any plea bargain agreement to be presented to the court. (Code Crim. Proc., Art. 56.08(b-1).)

Art. 56A.454.  VICTIM CONTACT INFORMATION. (a) A victim who receives a notice under Article 56A.451(a) and who chooses to receive other notice under law about the same case must keep the following persons informed of the victim's current address and phone number:

(1)  the attorney representing the state; and

(2)  the department if the defendant is imprisoned in the department after sentencing.

(b)  An attorney representing the state who receives information concerning a victim's current address and phone number shall immediately provide that information to the community supervision and corrections department supervising the defendant, if the defendant is placed on community supervision. (Code Crim. Proc., Arts. 56.08(c), (d).)

SUBCHAPTER K. NOTIFICATION BY CERTAIN ENTITIES OF RELEASE OR ESCAPE

Art. 56A.501.  DEFINITIONS. In this subchapter:

(1)  "Correctional facility" has the meaning assigned by Section 1.07, Penal Code.

(2)  "Family violence" has the meaning assigned by Section 71.004, Family Code. (Code Crim. Proc., Art. 56.11(h).)

Art. 56A.502.  APPLICABILITY. This subchapter applies to a defendant convicted of:

(1)  an offense under Title 5, Penal Code, that is punishable as a felony;

(2)  an offense described by Section 508.187(a), Government Code, other than an offense described by Subdivision (1); or

(3)  an offense involving family violence, stalking, or violation of a protective order or magistrate's order. (Code Crim. Proc., Art. 56.11(c).)

Art. 56A.503.  NOTIFICATION OF RELEASE OR ESCAPE. (a) The department or sheriff, whichever has custody of a defendant in the case of a felony, or the sheriff in the case of a misdemeanor, shall notify a victim of the offense or a witness who testified against the defendant at the trial for the offense, other than a witness who testified in the course and scope of the witness's official or professional duties, when a defendant convicted of an offense described by Article 56A.502:

(1)  completes the defendant's sentence and is released; or

(2)  escapes from a correctional facility.

(b)  If the department is required by Subsection (a) to give notice to a victim or witness, the department shall also give notice to local law enforcement officials in the county in which the victim or witness resides. (Code Crim. Proc., Arts. 56.11(a), (b).)

Art. 56A.504.  NOTIFICATION REGARDING DEFENDANT SUBJECT TO ELECTRONIC MONITORING. The department, in the case of a defendant released on parole or to mandatory supervision following a term of imprisonment for an offense described by Article 56A.502, or a community supervision and corrections department supervising a defendant convicted of an offense described by Article 56A.502 and subsequently released on community supervision, shall notify a victim or witness described by Article 56A.503(a) when the defendant, if subject to electronic monitoring as a condition of release, ceases to be electronically monitored. (Code Crim. Proc., Art. 56.11(a-1).)

Art. 56A.505.  NOTIFICATION OF RIGHT TO NOTICE. Not later than immediately following the conviction of a defendant for an offense described by Article 56A.502, the attorney who represented the state in the prosecution of the case shall notify in writing a victim or witness described by Article 56A.503(a) of the victim's or witness's right to receive notice under this subchapter. (Code Crim. Proc., Art. 56.11(g).)

Art. 56A.506.  VICTIM OR WITNESS CONTACT INFORMATION; CONFIDENTIALITY. (a) A victim or witness who wants notification under this subchapter must:

(1)  provide the department, the sheriff, or the community supervision and corrections department supervising the defendant, as appropriate, with the e-mail address, mailing address, and telephone number of the victim, witness, or other person through whom the victim or witness may be contacted; and

(2)  notify the appropriate department or the sheriff of any change of address or telephone number of the victim, witness, or other person.

(b)  Information obtained and maintained by the department, a sheriff, or a community supervision and corrections department under this article is privileged and confidential. (Code Crim. Proc., Art. 56.11(d).)

Art. 56A.507.  TIME FOR NOTICE. (a) The department, the sheriff, or the community supervision and corrections department supervising the defendant, as appropriate:

(1)  shall make a reasonable attempt to give any notice required by Article 56A.503(a) or 56A.504:

(A)  not later than the 30th day before the date the defendant:

(i)  completes the sentence and is released; or

(ii)  ceases to be electronically monitored as a condition of release; or

(B)  immediately if the defendant escapes from the correctional facility; and

(2)  may give the notice by e-mail, if possible.

(b)  An attempt by the department, the sheriff, or the community supervision and corrections department supervising the defendant to give notice to a victim or witness at the victim's or witness's last known mailing address or, if notice by e-mail is possible, last known e-mail address, as shown on the records of the appropriate department or agency, constitutes a reasonable attempt to give notice under this subchapter. (Code Crim. Proc., Arts. 56.11(e), (f).)

SUBCHAPTER L. NOTIFICATION BY DEPARTMENT OF ESCAPE OR TRANSFER

Art. 56A.551.  DEFINITION. In this subchapter, "witness's close relative" means a person who:

(1)  was the spouse of a deceased witness at the time of the witness's death; or

(2)  is a parent or adult brother, sister, or child of a deceased witness. (Code Crim. Proc., Art. 56.12(d).)

Art. 56A.552.  NOTIFICATION OF VICTIM. The department shall immediately notify the victim of an offense, the victim's guardian, or the victim's close relative if the victim is deceased, if the victim, victim's guardian, or victim's close relative has notified the department as provided by Article 56A.554, when the defendant:

(1)  escapes from a facility operated by the department for the imprisonment of individuals convicted of felonies other than state jail felonies; or

(2)  is transferred from the custody of a facility described by Subdivision (1) to the custody of a peace officer under a writ of attachment or a bench warrant. (Code Crim. Proc., Art. 56.12(a).)

Art. 56A.553.  NOTIFICATION OF WITNESS. The department shall immediately notify a witness who testified against a defendant at the trial for the offense for which the defendant is imprisoned, the witness's guardian, or the witness's close relative, if the witness, witness's guardian, or witness's close relative has notified the department as provided by Article 56A.554, when the defendant:

(1)  escapes from a facility operated by the department for the imprisonment of individuals convicted of felonies other than state jail felonies; or

(2)  is transferred from the custody of a facility described by Subdivision (1) to the custody of a peace officer under a writ of attachment or a bench warrant. (Code Crim. Proc., Art. 56.12(a-1).)

Art. 56A.554.  REQUEST FOR NOTIFICATION; CHANGE OF ADDRESS. A victim, witness, guardian, or close relative who wants notification of a defendant's escape or transfer from custody under a writ of attachment or bench warrant must notify the department of that fact and of any change of address. (Code Crim. Proc., Art. 56.12(b).)

Art. 56A.555.  NOTICE OF TRANSFER FROM OR RETURN TO CUSTODY. The department shall include in a notice provided under Article 56A.552(2) or 56A.553(2) the name, address, and telephone number of the peace officer receiving the defendant into custody. On returning the defendant to the custody of the department, the victim services division of the department shall notify the victim, witness, guardian, or close relative, as applicable, of the return. (Code Crim. Proc., Art. 56.12(c).)

SUBCHAPTER M. OTHER POWERS AND DUTIES OF DEPARTMENT AND CLEARINGHOUSE

Art. 56A.601.  DATABASE FOR DEFENDANT RELEASE INFORMATION. The department shall:

(1)  create and maintain a computerized database containing the release information and release date of a defendant convicted of an offense described by Article 56A.502; and

(2)  allow a victim or witness entitled to notice under Subchapter K or L to access through the Internet the computerized database maintained under Subdivision (1). (Code Crim. Proc., Art. 56.15.)

Art. 56A.602.  VICTIM-OFFENDER MEDIATION. The victim services division of the department shall:

(1)  train volunteers to act as mediators between victims, guardians of victims, and close relatives of deceased victims and offenders whose criminal conduct caused bodily injury or death to victims; and

(2)  provide mediation services through referral of a trained volunteer, if requested by a victim, guardian of a victim, or close relative of a deceased victim. (Code Crim. Proc., Art. 56.13.)

Art. 56A.603.  CLEARINGHOUSE ANNUAL CONFERENCE. The clearinghouse may:

(1)  conduct an annual conference to provide to participants in the criminal justice system training containing information on crime victims' rights; and

(2)  charge a fee to a person attending the conference described by Subdivision (1). (Code Crim. Proc., Art. 56.14.)

Art. 56A.604.  CRIME VICTIM ASSISTANCE STANDARDS. The clearinghouse shall develop crime victim assistance standards and distribute those standards to law enforcement officers and attorneys representing the state to aid those officers and attorneys in performing duties imposed by this chapter, Chapter 56B, and Subchapter B, Chapter 58. (Code Crim. Proc., Art. 56.05(c).)

SECTION 1.06.  Title 1, Code of Criminal Procedure, is amended by adding Chapter 56B to read as follows:

CHAPTER 56B. CRIME VICTIMS' COMPENSATION

SUBCHAPTER A. GENERAL PROVISIONS

Art. 56B.001.  SHORT TITLE

Art. 56B.002.  LEGISLATIVE FINDINGS AND INTENT

Art. 56B.003.  DEFINITIONS

Art. 56B.004.  ADMINISTRATION; RULES

Art. 56B.005.  ANNUAL REPORT

Art. 56B.006.  PUBLIC NOTICE

Art. 56B.007.  NOTICE BY LOCAL LAW ENFORCEMENT AGENCY

SUBCHAPTER B. APPLICATION AND REVIEW

Art. 56B.051.  APPLICATION FOR COMPENSATION

Art. 56B.052.  PERIOD FOR FILING APPLICATION

Art. 56B.053.  REPORTING OF OFFENSE REQUIRED

Art. 56B.054.  REVIEW AND INVESTIGATION OF APPLICATION

Art. 56B.055.  MENTAL OR PHYSICAL EXAMINATION; AUTOPSY

Art. 56B.056.  HEARINGS AND PREHEARING CONFERENCES

Art. 56B.057.  APPROVAL OF APPLICATION

Art. 56B.058.  DISCLOSURE AND USE OF INFORMATION

SUBCHAPTER C. AWARD OF COMPENSATION

Art. 56B.101.  TYPES OF ASSISTANCE

Art. 56B.102.  EMERGENCY AWARD

Art. 56B.103.  COMPENSATION FOR PECUNIARY LOSS

Art. 56B.104.  COMPENSATION FOR HEALTH CARE SERVICES

Art. 56B.105.  COMPENSATION FOR CERTAIN CRIMINALLY

                 INJURIOUS CONDUCT PROHIBITED

Art. 56B.106.  LIMITS ON COMPENSATION

Art. 56B.107.  DENIAL OR REDUCTION OF AWARD

Art. 56B.108.  RECONSIDERATION

SUBCHAPTER D. PAYMENT OF AWARD

Art. 56B.151.  METHOD OF PAYMENT

Art. 56B.152.  PAYMENT FOR PECUNIARY LOSS ACCRUED AT

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Art. 56B.153.  PAYMENT FOR PECUNIARY LOSS ACCRUED AFTER

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Art. 56B.154.  RECIPIENT OF PAYMENT

SUBCHAPTER E. GENERAL PROVISIONS RELATING TO PAYMENT

Art. 56B.201.  ADJUSTMENT OF AWARDS AND PAYMENTS

Art. 56B.202.  SUBROGATION

Art. 56B.203.  AWARD NOT SUBJECT TO EXECUTION

Art. 56B.204.  ASSIGNMENT OF BENEFITS FOR LOSS ACCRUING

                 IN FUTURE

SUBCHAPTER F. PAYMENTS FOR CERTAIN DISABLED PEACE OFFICERS

Art. 56B.251.  DEFINITION

Art. 56B.252.  APPLICABILITY

Art. 56B.253.  PAYMENT ENTITLEMENT

Art. 56B.254.  AMOUNT OF PAYMENT

Art. 56B.255.  METHOD OF PAYMENT

Art. 56B.256.  COST-OF-LIVING ADJUSTMENT

Art. 56B.257.  CALCULATION OF INITIAL PAYMENT

Art. 56B.258.  PROOF REQUIRED FOR PAYMENT

Art. 56B.259.  HEARING

Art. 56B.260.  JUDICIAL REVIEW

Art. 56B.261.  PERIODIC REVIEW

Art. 56B.262.  ISSUANCE OF WARRANT FOR PAYMENT

Art. 56B.263.  LIMITS ON COMPENSATION

Art. 56B.264.  APPLICATION OF OTHER LAW

SUBCHAPTER G. ATTORNEY'S FEES

Art. 56B.301.  AWARD OF ATTORNEY'S FEES

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SUBCHAPTER H. JUDICIAL REVIEW

Art. 56B.351.  NOTICE OF DISSATISFACTION

Art. 56B.352.  SUIT; VENUE

Art. 56B.353.  RESTRICTIONS ON ATTORNEY GENERAL DURING

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Art. 56B.354.  STANDARD OF REVIEW

Art. 56B.355.  BURDEN OF PROOF

Art. 56B.356.  ATTORNEY'S FEES

Art. 56B.357.  CALCULATION OF TIME

SUBCHAPTER I. PRIVATE ACTION

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Art. 56B.402.  RECEIPT OF NOTICE

Art. 56B.403.  DEDUCTION FOR REASONABLE EXPENSES

Art. 56B.404.  LIMITATIONS ON RESOLUTION OF ACTION

Art. 56B.405.  CRIMINAL PENALTY

SUBCHAPTER J. FUNDS

Art. 56B.451.  DEFINITION

Art. 56B.452.  ESTABLISHMENT

Art. 56B.453.  USE OF MONEY

Art. 56B.454.  LIMITATIONS ON PAYMENTS

Art. 56B.455.  AMOUNT CARRIED FORWARD

Art. 56B.456.  TRANSFER OF MONEY FROM AUXILIARY FUND

Art. 56B.457.  GIFTS, GRANTS, AND DONATIONS

Art. 56B.458.  EMERGENCY RESERVE

Art. 56B.459.  APPROPRIATION FOR ASSOCIATE JUDGE

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Art. 56B.460.  APPROPRIATION FOR OTHER CRIME VICTIM

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Art. 56B.461.  USE OF AUXILIARY FUND

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Art. 56B.503.  PENALTY TO BE PAID OR HEARING REQUESTED

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Art. 56B.505.  DECISION BY ATTORNEY GENERAL

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Art. 56B.507.  COLLECTION OF PENALTY

Art. 56B.508.  DECISION BY COURT

Art. 56B.509.  REMITTANCE OF PENALTY AND INTEREST

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Art. 56B.511.  DISPOSITION OF PENALTY

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Art. 56B.551.  LETTER OF REPRIMAND

Art. 56B.552.  CIVIL PENALTY

CHAPTER 56B. CRIME VICTIMS' COMPENSATION

SUBCHAPTER A. GENERAL PROVISIONS

Art. 56B.001.  SHORT TITLE. This chapter may be cited as the Crime Victims' Compensation Act. (Code Crim. Proc., Art. 56.31.)

Art. 56B.002.  LEGISLATIVE FINDINGS AND INTENT. (a) The legislature recognizes that many innocent individuals suffer personal injury or death as a result of criminal acts. Crime victims and persons who intervene to prevent criminal acts often suffer disabilities, incur financial burdens, or become dependent on public assistance. The legislature finds that there is a need to compensate crime victims and those who suffer personal injury or death in the prevention of crime or in the apprehension of criminals.

(b)  It is the legislature's intent that the compensation of innocent victims of violent crime encourage greater public cooperation in the successful apprehension and prosecution of criminals. (Code Crim. Proc., Art. 56.311.)

Art. 56B.003.  DEFINITIONS. In this chapter:

(1)  "Child" means an individual younger than 18 years of age who:

(A)  is not married; or

(B)  has not had the disabilities of minority removed for general purposes under Chapter 31, Family Code.

(2)  "Claimant" means any of the following individuals, other than a service provider, who is entitled to file or has filed a claim for compensation under this chapter:

(A)  an authorized individual acting on behalf of a victim;

(B)  an individual who legally assumes the obligation or who voluntarily pays medical or burial expenses of a victim incurred as a result of the criminally injurious conduct of another;

(C)  a dependent of a victim who died as a result of the criminally injurious conduct;

(D)  an immediate family member or a household member of a victim who, as a result of the criminally injurious conduct:

(i)  requires psychiatric care or counseling;

(ii)  incurs expenses for traveling to and attending a deceased victim's funeral; or

(iii)  suffers wage loss from bereavement leave taken in connection with the death of the victim; or

(E)  an authorized individual acting on behalf of a child described by Paragraph (C) or (D).

(3)  "Collateral source" means any of the following sources of benefits or advantages for pecuniary loss that a claimant or victim has received or that is readily available to the claimant or victim from:

(A)  the offender under an order of restitution to the claimant or victim that is imposed by a court as a condition of community supervision;

(B)  the United States, a federal agency, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes those benefits or advantages in addition to or secondary to benefits under this chapter;

(C)  social security, Medicare, or Medicaid;

(D)  another state's or another country's crime victims' compensation program;

(E)  workers' compensation;

(F)  an employer's wage continuation program, not including vacation and sick leave benefits;

(G)  proceeds of an insurance contract payable to or on behalf of the claimant or victim for loss that the claimant or victim sustained because of the criminally injurious conduct;

(H)  a contract or self-funded program providing hospital and other health care services or benefits; or

(I)  proceeds awarded to the claimant or victim as a result of third-party litigation.

(4)  "Criminally injurious conduct" means conduct that:

(A)  occurs or is attempted;

(B)  poses a substantial threat of personal injury or death;

(C)  is punishable by fine, imprisonment, or death, or would be punishable by fine, imprisonment, or death if the person engaging in the conduct possessed the capacity to commit the conduct; and

(D)  does not arise out of the ownership, maintenance, or use of a motor vehicle, aircraft, or water vehicle, unless the conduct is:

(i)  intended to cause personal injury or death;

(ii)  in violation of Section 545.157 or 545.401, Transportation Code, if the conduct results in bodily injury or death;

(iii)  in violation of Section 550.021, Transportation Code; or

(iv)  in violation of one or more of the following sections of the Penal Code:

(a)  Section 19.04 (manslaughter);

(b)  Section 19.05 (criminally negligent homicide);

(c)  Section 22.02 (aggravated assault);

(d)  Section 22.05 (deadly conduct);

(e)  Section 49.04 (driving while intoxicated);

(f)  Section 49.05 (flying while intoxicated);

(g)  Section 49.06 (boating while intoxicated);

(h)  Section 49.07 (intoxication assault); or

(i)  Section 49.08 (intoxication manslaughter).

(5)  "Dependent" means:

(A)  a surviving spouse;

(B)  a person who is a dependent, within the meaning of the Internal Revenue Code of 1986, of a victim; and

(C)  a posthumous child of a deceased victim.

(6)  "Family violence" has the meaning assigned by Section 71.004(1), Family Code.

(7)  "Household member" means an individual who:

(A)  is related by consanguinity or affinity to the victim; and

(B)  resided in the same permanent household as the victim at the time that the criminally injurious conduct occurred.

(8)  "Immediate family member" means an individual who is related to a victim within the second degree by consanguinity or affinity.

(9)  "Intervenor" means an individual who goes to the aid of another and is killed or injured in a good faith effort to:

(A)  prevent criminally injurious conduct;

(B)  apprehend a person reasonably suspected of having engaged in criminally injurious conduct; or

(C)  aid a peace officer.

(10)  "Pecuniary loss" means the amount of the expense reasonably and necessarily incurred as a result of personal injury or death for:

(A)  medical, hospital, nursing, or psychiatric care or counseling, or physical therapy;

(B)  actual loss of past earnings and anticipated loss of future earnings and necessary travel expenses because of:

(i)  a disability resulting from the personal injury;

(ii)  the receipt of medically indicated services related to the disability; or

(iii)  participation in or attendance at investigative, prosecutorial, or judicial processes or any postconviction or postadjudication proceeding relating to criminally injurious conduct;

(C)  care of a child or dependent, including specialized care for a child who is a victim;

(D)  funeral and burial expenses, including, for an immediate family member or a household member of the victim, the necessary expenses of traveling to and attending the funeral;

(E)  loss of support to a dependent, consistent with Article 56B.057(b)(5);

(F)  reasonable and necessary costs of cleaning the crime scene;

(G)  reasonable replacement costs for clothing, bedding, or property of the victim seized as evidence or rendered unusable as a result of the criminal investigation;

(H)  reasonable and necessary costs for relocation and housing rental assistance payments as provided by Article 56B.106(c);

(I)  for an immediate family member or a household member of a deceased victim, bereavement leave of not more than 10 work days; and

(J)  reasonable and necessary costs of traveling to and from a place of execution to witness the execution, including one night's lodging near the place where the execution is conducted.

(11)  "Personal injury" means physical or mental harm.

(12)  "Sexual assault" means an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code.

(13)  "Trafficking of persons" means any offense that results in a person engaging in forced labor or services, including sexual conduct, and that may be prosecuted under Section 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code.

(14)  "Victim" means:

(A)  an individual who:

(i)  suffers personal injury or death as a result of criminally injurious conduct or as a result of actions taken by the individual as an intervenor, if the conduct or actions occurred in this state; and

(ii)  is a resident of this state or another state of the United States;

(B)  an individual who:

(i)  suffers personal injury or death as a result of criminally injurious conduct or as a result of actions taken by the individual as an intervenor, if the conduct or actions occurred in a state or country that does not have a crime victims' compensation program that meets the requirements of Section 1403(b), Victims of Crime Act of 1984 (34 U.S.C. Section 20102(b));

(ii)  is a resident of this state; and

(iii)  would be entitled to compensation under this chapter if the criminally injurious conduct or actions had occurred in this state; or

(C)  an individual who:

(i)  suffers personal injury or death as a result of criminally injurious conduct caused by an act of international terrorism as defined by 18 U.S.C. Section 2331 committed outside of the United States; and

(ii)  is a resident of this state.

(15)  "Victim-related services or assistance" means compensation, services, or assistance provided directly to a victim or claimant to support or assist in the recovery of the victim or claimant from the consequences of criminally injurious conduct. (Code Crim. Proc., Arts. 56.01(2-a), 56.32.)

Art. 56B.004.  ADMINISTRATION; RULES. (a) The attorney general shall adopt rules consistent with this chapter governing its administration, including rules relating to the method of filing claims and the proof of entitlement to compensation and the review of health care services subject to compensation under this chapter, Chapter 56A, and Subchapter B, Chapter 58.

(b)  Subchapters A and B, Chapter 2001, Government Code, except Sections 2001.004(3) and 2001.005, apply to the attorney general.

(c)  The attorney general may delegate to a person in the attorney general's office a power or duty given to the attorney general under this chapter. (Code Crim. Proc., Art. 56.33.)

Art. 56B.005.  ANNUAL REPORT. Not later than the 100th day after the end of each state fiscal year, the attorney general shall submit to the governor and the legislature a report on the attorney general's activities during the preceding fiscal year, including a statistical summary of claims and awards made and denied. (Code Crim. Proc., Art. 56.53.)

Art. 56B.006.  PUBLIC NOTICE. (a) A hospital licensed under the laws of this state shall display prominently in its emergency room posters giving notice of the existence and general provisions of this chapter.

(b)  The attorney general shall:

(1)  set standards for the location of the posters described by Subsection (a); and

(2)  provide posters, application forms, and general information regarding this chapter to each hospital and physician licensed to practice in this state. (Code Crim. Proc., Art. 56.60(a).)

Art. 56B.007.  NOTICE BY LOCAL LAW ENFORCEMENT AGENCY. (a) Each local law enforcement agency shall inform a claimant or victim of the provisions of this chapter and make application forms available.

(b)  The attorney general:

(1)  shall:

(A)  provide application forms and all other documents that a local law enforcement agency may require to comply with this article; and

(B)  set standards to be followed by a local law enforcement agency to comply with this article; and

(2)  may require a local law enforcement agency to file with the attorney general a description of the procedures adopted by the agency to comply with this article. (Code Crim. Proc., Art. 56.60(b).)

SUBCHAPTER B. APPLICATION AND REVIEW

Art. 56B.051.  APPLICATION FOR COMPENSATION. (a) An applicant for compensation under this chapter must apply in writing on a form prescribed by the attorney general.

(b)  An application for compensation under this chapter must be verified and contain:

(1)  the date on which the criminally injurious conduct occurred;

(2)  a description of the nature and circumstances of the criminally injurious conduct;

(3)  a complete financial statement, including:

(A)  the cost of medical care or burial expenses and the loss of wages or support the claimant or victim has incurred or will incur; and

(B)  the extent to which the claimant or victim has been indemnified for the expenses under Paragraph (A) from a collateral source;

(4)  a statement indicating the extent of any disability resulting from the injury incurred;

(5)  an authorization permitting the attorney general to verify the contents of the application; and

(6)  any other information the attorney general requires. (Code Crim. Proc., Art. 56.36.)

Art. 56B.052.  PERIOD FOR FILING APPLICATION. (a) Except as otherwise provided by this article, a claimant or victim must file an application not later than the third anniversary of the date of the criminally injurious conduct.

(b)  The attorney general may extend the time for filing for good cause shown by the claimant or victim.

(c)  If the victim is a child, the application must be filed not later than the third anniversary of the date the claimant or victim is made aware of the offense, but not after the child attains 21 years of age.

(d)  If a claimant or victim presents medically documented evidence of a physical or mental incapacity that was incurred by the claimant or victim as a result of the criminally injurious conduct and that reasonably prevented the claimant or victim from filing the application within the limitations period under Subsection (a), the period of the incapacity is not included.

(e)  For a claim that is based on criminally injurious conduct in violation of Chapter 19, Penal Code, the claimant must file an application not later than the third anniversary of the date the identity of the victim is established by a law enforcement agency. (Code Crim. Proc., Art. 56.37.)

Art. 56B.053.  REPORTING OF OFFENSE REQUIRED. (a) Except as otherwise provided by this article, a claimant or victim may not file an application unless the victim reports the criminally injurious conduct to the appropriate state or local public safety or law enforcement agency within a reasonable period, but not so late as to interfere with or hamper the investigation and prosecution of the offense after the criminally injurious conduct is committed.

(b)  The attorney general may extend the time for reporting the criminally injurious conduct if the attorney general determines that the extension is justified by extraordinary circumstances.

(c)  Subsection (a) does not apply if the victim is a child. (Code Crim. Proc., Art. 56.46.)

Art. 56B.054.  REVIEW AND INVESTIGATION OF APPLICATION. (a) The attorney general shall appoint a clerk to review each application for compensation described by Article 56B.051 to ensure the application is complete.

(b)  The attorney general may review the actual or proposed health care services for which a claimant or victim seeks compensation in an application filed under Article 56B.051.

(c)  The clerk shall return to the claimant or victim any application that is incomplete and shall provide a brief statement showing the additional information required. Not later than the 30th day after the date of receiving a returned application, a claimant or victim may:

(1)  provide the additional information; or

(2)  appeal the action to the attorney general, who shall review the application to determine whether the application is complete.

(d)  The attorney general may investigate an application.

(e)  As part of the attorney general's review, verification, and hearing duties under this chapter, the attorney general may:

(1)  subpoena witnesses and administer oaths to determine whether and the extent to which a claimant or victim qualifies for an award; and

(2)  as provided by Article 56B.055 and if the mental, physical, or emotional condition of a claimant or victim is material to the claim, order:

(A)  a claimant or victim to submit to a mental or physical examination by a physician or psychologist; or

(B)  an autopsy of a deceased victim.

(f)  On request by the attorney general and not later than the 14th business day after the date of the request, a law enforcement agency shall release to the attorney general all reports, including witness statements and criminal history record information, to allow the attorney general to determine whether a claimant or victim qualifies for an award and the extent of the qualification. (Code Crim. Proc., Arts. 56.38, 56.385(a).)

Art. 56B.055.  MENTAL OR PHYSICAL EXAMINATION; AUTOPSY. (a) For good cause shown, an order for a mental or physical examination or an autopsy as provided by Article 56B.054(e)(2) may be made on notice to the individual to be examined and, if applicable, to each person who has appeared at a hearing under Article 56B.056.

(b)  An order under Subsection (a) must:

(1)  specify the time, place, manner, conditions, and scope of the examination or autopsy;

(2)  specify the person who is to perform the examination or autopsy; and

(3)  require the person performing the examination or autopsy to file with the attorney general a detailed written report of the examination or autopsy.

(c)  A report must set out the findings of the person performing the examination or autopsy, including:

(1)  the results of any test performed; and

(2)  any diagnosis, prognosis, or other conclusion or report of an earlier examination of the same condition.

(d)  On request of the individual examined, the attorney general shall provide to the individual a copy of the report. If the victim is deceased, the attorney general on request shall provide to the claimant a copy of the report.

(e)  A physician or psychologist performing an examination or autopsy under this article shall be compensated from money appropriated for the administration of this chapter. (Code Crim. Proc., Art. 56.39.)

Art. 56B.056.  HEARINGS AND PREHEARING CONFERENCES. (a) The attorney general shall determine whether a hearing on an application for compensation under this chapter is necessary.

(b)  On determining that a hearing is not necessary, the attorney general may approve the application in accordance with Article 56B.057.

(c)  On determining that a hearing is necessary or on request for a hearing by the claimant or victim, the attorney general shall consider the application at a hearing at a time and place of the attorney general's choosing. The attorney general shall notify all interested persons not later than the 10th day before the date of the hearing.

(d)  At the hearing the attorney general shall:

(1)  review the application for compensation and any report prepared under Article 56B.055 and any other evidence obtained as a result of the attorney general's investigation; and

(2)  receive other evidence that the attorney general finds necessary or desirable to evaluate the application properly.

(e)  The attorney general may appoint hearing officers to conduct hearings or prehearing conferences under this chapter.

(f)  A hearing or prehearing conference is open to the public unless the hearing officer or attorney general determines in a particular case that all or part of the hearing or conference should be held in private because a criminal suspect has not been apprehended or because a private hearing or conference is in the interest of the claimant or victim.

(g)  The attorney general may suspend the proceedings pending disposition of a criminal prosecution that has been commenced or is imminent, except that the attorney general may make an emergency award under Article 56B.102.

(h)  Subchapters C through H, Chapter 2001, Government Code, do not apply to the attorney general or the attorney general's orders and decisions. (Code Crim. Proc., Art. 56.40.)

Art. 56B.057.  APPROVAL OF APPLICATION. (a) The attorney general shall approve an application for compensation under this chapter if the attorney general finds by a preponderance of the evidence that grounds for compensation under this chapter exist.

(b)  The attorney general shall deny an application for compensation under this chapter if:

(1)  the criminally injurious conduct is not reported as provided by Article 56B.053;

(2)  the application is not made in the manner provided by Articles 56B.051 and 56B.052;

(3)  the claimant or victim knowingly and willingly participated in the criminally injurious conduct;

(4)  the claimant or victim is the offender or an accomplice of the offender;

(5)  an award of compensation to the claimant or victim would benefit the offender or an accomplice of the offender;

(6)  the claimant or victim was incarcerated in a penal institution, as defined by Section 1.07, Penal Code, at the time the offense was committed; or

(7)  the claimant or victim knowingly or intentionally submits false or forged information to the attorney general.

(c)  Subsection (b)(3) does not apply to a claimant or victim who seeks compensation for criminally injurious conduct that is:

(1)  in violation of Section 20A.02(a)(7), Penal Code; or

(2)  trafficking of persons, other than an offense described by Subdivision (1), if the criminally injurious conduct the claimant or victim participated in was the result of force, fraud, or coercion.

(d)  Except as provided by rules adopted by the attorney general to prevent the unjust enrichment of an offender, the attorney general may not deny an award otherwise payable to a claimant or victim because the claimant or victim:

(1)  is an immediate family member of the offender; or

(2)  resides in the same household as the offender. (Code Crim. Proc., Art. 56.41.)

Art. 56B.058.  DISCLOSURE AND USE OF INFORMATION. (a) This article does not apply to information made confidential by law.

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

(1)  except as provided by Section 552.132(c), Government Code, not subject to disclosure under Chapter 552 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)  The attorney general may not release or disclose an application for compensation under this chapter, or any information, document, summary, or other record provided to or received, maintained, or created by the attorney general under this chapter, except:

(1)  by court order for good cause shown, if the order includes a finding that the information is not available from any other source;

(2)  with the consent of:

(A)  the claimant or victim; or

(B)  the person that provided the information to the attorney general;

(3)  to an employee or other person under the direction of the attorney general;

(4)  to another crime victims' compensation program that meets the requirements of 34 U.S.C. Section 20102(b);

(5)  to a person authorized by the attorney general to receive the information to:

(A)  conduct an audit as required by state or federal law;

(B)  provide a review or examination under Article 56B.054 or 56B.055 or under another provision of this chapter to determine the appropriateness of an award under this chapter;

(C)  prevent, deter, or punish fraud related to this chapter; or

(D)  assert subrogation or restitution rights;

(6)  as the attorney general determines necessary to enforce this chapter, including presenting the application, information, document, summary, or record in court; or

(7)  in response to a subpoena that is issued in a criminal proceeding and that requests an application for compensation under this chapter, subject to Subsection (d).

(d)  In responding to a subpoena described by Subsection (c)(7), the attorney general shall release only the victim's completed application form as described by Article 56B.051(a) after redacting any confidential information described by Section 552.132(b), Government Code. The release of a victim's completed application form under this subsection does not affect the authority of the court to order the release or disclosure of additional information under this article. (Code Crim. Proc., Art. 56.65.)

SUBCHAPTER C. AWARD OF COMPENSATION

Art. 56B.101.  TYPES OF ASSISTANCE. (a) On approving an application for compensation under Article 56B.057, the attorney general shall determine the type of state assistance that will best aid the claimant or victim.

(b)  The attorney general may:

(1)  authorize a cash payment to or on behalf of a claimant or victim for pecuniary loss;

(2)  refer a claimant or victim to a state agency for vocational or other rehabilitative services; or

(3)  provide counseling services for a claimant or victim or contract with a private entity to provide counseling services. (Code Crim. Proc., Art. 56.35.)

Art. 56B.102.  EMERGENCY AWARD. (a) Before acting on an application for compensation under this chapter, the attorney general may make an emergency award if it appears likely that:

(1)  a final award will be made; and

(2)  the claimant or victim will suffer undue hardship if immediate economic relief is not obtained.

(b)  An emergency award may not exceed $1,500.

(c)  The amount of an emergency award must be:

(1)  deducted from the final award; or

(2)  repaid by and recoverable from the claimant or victim to the extent the emergency award exceeds the final award. (Code Crim. Proc., Art. 56.50.)

Art. 56B.103.  COMPENSATION FOR PECUNIARY LOSS. (a) The attorney general shall award compensation for pecuniary loss arising from criminally injurious conduct if the attorney general is satisfied by a preponderance of the evidence that the requirements of this chapter are met.

(b)  The attorney general shall establish whether, as a direct result of criminally injurious conduct, a claimant or victim suffered personal injury or death that resulted in a pecuniary loss for which the claimant or victim is not compensated from a collateral source. (Code Crim. Proc., Arts. 56.34(a), (b).)

Art. 56B.104.  COMPENSATION FOR HEALTH CARE SERVICES. (a) The attorney general shall award compensation for health care services according to the medical fee guidelines prescribed by Subtitle A, Title 5, Labor Code.

(b)  The attorney general, a claimant, or a victim is not liable for health care service charges that exceed the medical fee guidelines. A health care provider shall accept compensation from the attorney general as payment in full for the charges unless an investigation of the charges by the attorney general determines that there is a reasonable health care justification for the deviation from the guidelines.

(c)  The attorney general may not compensate a claimant or victim for health care services that the attorney general determines are not medically necessary.

(d)  The attorney general, a claimant, or a victim is not liable for a charge that is not medically necessary. (Code Crim. Proc., Arts. 56.34(c), (d), 56.385(b), (c).)

Art. 56B.105.  COMPENSATION FOR CERTAIN CRIMINALLY INJURIOUS CONDUCT PROHIBITED. (a) Except as provided by Subsection (b), the attorney general may not award compensation for pecuniary loss arising from criminally injurious conduct that occurred before January 1, 1980.

(b)  The attorney general may award compensation for pecuniary loss arising from criminally injurious conduct that occurred before January 1, 1980, if:

(1)  the conduct was in violation of Chapter 19, Penal Code;

(2)  the identity of the victim is established by a law enforcement agency on or after January 1, 2009; and

(3)  the claimant files the application for compensation within the limitations period provided by Article 56B.052(e). (Code Crim. Proc., Art. 56.61.)

Art. 56B.106.  LIMITS ON COMPENSATION. (a) Except as otherwise provided by this article, awards payable to a victim and any other claimant sustaining pecuniary loss because of injury or death of that victim may not exceed $50,000 in the aggregate.

(b)  In addition to an award payable under Subsection (a), the attorney general may award not more than $75,000 for extraordinary pecuniary loss if the personal injury to a victim is catastrophic and results in a total and permanent disability to the victim. An award described by this subsection may be made for lost wages and the reasonable and necessary costs of:

(1)  making a home or motor vehicle accessible;

(2)  obtaining job training and vocational rehabilitation;

(3)  training in the use of a special appliance;

(4)  receiving home health care;

(5)  durable medical equipment;

(6)  rehabilitation technology; and

(7)  long-term medical expenses incurred as a result of medically indicated treatment for the personal injury.

(c)  A victim who is a victim of stalking, family violence, or trafficking of persons, or a victim of sexual assault who is assaulted in the victim's place of residence, may receive a one-time assistance payment in an amount not to exceed:

(1)  $2,000 to be used for relocation expenses, including expenses for rental deposit, utility connections, expenses relating to moving belongings, motor vehicle mileage expenses, and for an out-of-state move, transportation, lodging, and meals; and

(2)  $1,800 to be used for housing rental expenses.

(d)  An immediate family member or household member of a deceased victim may not receive more than $1,000 in lost wages as a result of bereavement leave taken by the family or household member.

(e)  The attorney general by rule may establish a limitation on any other pecuniary loss compensated under this chapter, including a limitation on pecuniary loss incurred as a result of a claimant's travel to and attendance of a deceased victim's funeral. (Code Crim. Proc., Art. 56.42.)

Art. 56B.107.  DENIAL OR REDUCTION OF AWARD. (a) The attorney general may deny or reduce an award otherwise payable:

(1)  if the claimant or victim has not substantially cooperated with an appropriate law enforcement agency;

(2)  if, as a result of the claimant's or victim's behavior, the claimant or victim bears a share of the responsibility for the act or omission giving rise to the claim;

(3)  to the extent that pecuniary loss is recouped from a collateral source; or

(4)  if the claimant or victim was engaging in an activity that at the time of the criminally injurious conduct was prohibited by law, including a rule.

(b)  Subsection (a)(4) does not apply to a claimant or victim who seeks compensation for criminally injurious conduct that is:

(1)  in violation of Section 20A.02(a)(7), Penal Code; or

(2)  trafficking of persons, other than an offense described by Subdivision (1), if the activity the claimant or victim engaged in was the result of force, fraud, or coercion. (Code Crim. Proc., Art. 56.45.)

Art. 56B.108.  RECONSIDERATION. (a) On the attorney general's own motion or on request of a claimant or victim, the attorney general may reconsider:

(1)  a decision to make or deny an award; or

(2)  the amount of an award.

(b)  At least annually, the attorney general shall reconsider each award being paid in installments.

(c)  On reconsideration, the attorney general may order the refund of an award if:

(1)  the award was obtained by fraud or mistake; or

(2)  newly discovered evidence shows the claimant or victim to be ineligible for the award under Article 56B.057 or 56B.107. (Code Crim. Proc., Art. 56.47.)

SUBCHAPTER D. PAYMENT OF AWARD

Art. 56B.151.  METHOD OF PAYMENT. The attorney general may pay an award in a lump sum or in installments as provided by this subchapter. (Code Crim. Proc., Art. 56.44(a) (part).)

Art. 56B.152.  PAYMENT FOR PECUNIARY LOSS ACCRUED AT TIME OF AWARD. The attorney general shall pay in a lump sum the part of an award equal to the amount of pecuniary loss accrued to the date of the award. (Code Crim. Proc., Art. 56.44(a) (part).)

Art. 56B.153.  PAYMENT FOR PECUNIARY LOSS ACCRUED AFTER TIME OF AWARD. (a) Except as provided by Subsection (b), the attorney general shall pay in installments the part of an award for allowable expenses that accrue after the award is made.

(b)  At the request of the claimant or victim, the attorney general may pay in a lump sum an award for future pecuniary loss if the attorney general finds that:

(1)  paying the award in a lump sum will promote the interests of the claimant or victim; or

(2)  the present value of all future pecuniary loss does not exceed $1,000.

(c)  The attorney general may not pay in installments an award for future pecuniary loss for a period for which the attorney general cannot reasonably determine the future pecuniary loss. (Code Crim. Proc., Arts. 56.44(a) (part), (b), (c).)

Art. 56B.154.  RECIPIENT OF PAYMENT. The attorney general may make payments only to an individual who is a claimant or a victim or to a provider on the individual's behalf. (Code Crim. Proc., Art. 56.44(d).)

SUBCHAPTER E. GENERAL PROVISIONS RELATING TO PAYMENT

Art. 56B.201.  ADJUSTMENT OF AWARDS AND PAYMENTS. (a) The attorney general shall establish a policy to adjust awards and payments so that the total amount of awards granted in each calendar year does not exceed the amount of money credited to the compensation to victims of crime fund during that year.

(b)  On the establishment of a policy under Subsection (a), the attorney general, the claimant, or the victim is not liable for the amount of incurred charges exceeding the adjusted amount for the service on which the adjusted payment is determined.

(c)  A service provider who accepts a payment that has been adjusted by a policy established under Subsection (a) agrees to accept the adjusted payment as payment in full for the service and is barred from legal action against the claimant or victim for collection. (Code Crim. Proc., Arts. 56.34(e), 56.58.)

Art. 56B.202.  SUBROGATION. If compensation is awarded under this chapter, the state is subrogated to all the claimant's or victim's rights to receive or recover benefits for pecuniary loss to the extent compensation is awarded from a collateral source. (Code Crim. Proc., Art. 56.51.)

Art. 56B.203.  AWARD NOT SUBJECT TO EXECUTION. (a) Except as provided by Subsection (b), an award is not subject to execution, attachment, garnishment, or other process.

(b)  An award is not exempt from a claim of a creditor to the extent that the creditor provided a product, service, or accommodation, the cost of which is included in the award. (Code Crim. Proc., Art. 56.49(a).)

Art. 56B.204.  ASSIGNMENT OF BENEFITS FOR LOSS ACCRUING IN FUTURE. (a) Except as provided by Subsections (b) and (c), an assignment of or agreement to assign a right to benefits for loss accruing in the future is unenforceable.

(b)  An assignment of a right to benefits for loss of earnings is enforceable to secure payment of alimony, maintenance, or child support.

(c)  An assignment of a right to benefits is enforceable to the extent that the benefits are for the cost of a product, service, or accommodation:

(1)  made necessary by the injury or death on which the claim is based; and

(2)  provided or to be provided by the assignee. (Code Crim. Proc., Art. 56.49(b).)

SUBCHAPTER F. PAYMENTS FOR CERTAIN DISABLED PEACE OFFICERS

Art. 56B.251.  DEFINITION. In this subchapter, "peace officer" means an individual elected, appointed, or employed to serve as a peace officer for a governmental entity under Article 2.12 or other law. The term includes a former peace officer who is entitled to receive payments under this subchapter because of an injury suffered while performing duties as a peace officer. (Code Crim. Proc., Art. 56.542(a).)

Art. 56B.252.  APPLICABILITY. This subchapter applies only to a peace officer who is employed by this state or a local governmental entity in this state and who sustains an injury in the performance of the officer's duties as a peace officer as a result of criminally injurious conduct on or after September 1, 1989. (Code Crim. Proc., Art. 56.542(b) (part).)

Art. 56B.253.  PAYMENT ENTITLEMENT. A peace officer to whom this subchapter applies is entitled to an annual payment in the amount described by Article 56B.254 if the officer presents evidence satisfactory to the attorney general that:

(1)  the officer's condition is a total disability resulting in permanent incapacity for work; and

(2)  the total disability has persisted for more than 12 months. (Code Crim. Proc., Art. 56.542(b) (part).)

Art. 56B.254.  AMOUNT OF PAYMENT. The amount of an annual payment under this subchapter is equal to the difference between:

(1)  any amount received by the peace officer for the injury or disability from another source of income, including settlements related to the injury or disability, insurance benefits, federal disability benefits, workers' compensation benefits, and benefits from another governmental entity, if those amounts do not exceed the amount described by Subdivision (2); and

(2)  an amount equal to the officer's average annual salary during the officer's final three years as a peace officer. (Code Crim. Proc., Art. 56.542(b) (part).)

Art. 56B.255.  METHOD OF PAYMENT. A peace officer who is entitled to an annual payment under Article 56B.253 may elect to receive the payment in:

(1)  a single payment paid each year; or

(2)  equal monthly installments. (Code Crim. Proc., Art. 56.542(l).)

Art. 56B.256.  COST-OF-LIVING ADJUSTMENT. (a) The amount of a payment under Article 56B.254 is subject to an annual cost-of-living adjustment calculated by the attorney general.

(b)  The attorney general shall calculate the amount of the cost-of-living adjustment by multiplying the amount of the annual payment received by the peace officer under this subchapter during the preceding year by the percentage by which the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor, or its successor index, increased during the preceding calendar year. (Code Crim. Proc., Art. 56.542(c).)

Art. 56B.257.  CALCULATION OF INITIAL PAYMENT. The attorney general shall calculate the amount of an initial payment based on an injury suffered after September 1, 1989, by:

(1)   calculating the amount to which the peace officer is entitled under Article 56B.254; and

(2)  adding to that amount the cumulative successive cost-of-living adjustments for the intervening years calculated from the date of the injury. (Code Crim. Proc., Art. 56.542(d).)

Art. 56B.258.  PROOF REQUIRED FOR PAYMENT. To receive a payment under this subchapter, a peace officer must provide to the attorney general:

(1)  proof that the injury:

(A)  was sustained in the performance of the applicant's duties as a peace officer; and

(B)  is a total disability resulting in permanent incapacity for work; and

(2)  any other information or evidence the attorney general requires. (Code Crim. Proc., Art. 56.542(e).)

Art. 56B.259.  HEARING. The attorney general may approve the application without a hearing or may conduct a hearing under Article 56B.056. (Code Crim. Proc., Art. 56.542(f) (part).)

Art. 56B.260.  JUDICIAL REVIEW. The decision of the attorney general is subject to judicial review under Subchapter H. (Code Crim. Proc., Art. 56.542(f) (part).)

Art. 56B.261.  PERIODIC REVIEW. The attorney general may appoint a panel of physicians to periodically review each application for assistance under this subchapter to ensure the validity of the application and the necessity of continued assistance to the peace officer. (Code Crim. Proc., Art. 56.542(g).)

Art. 56B.262.  ISSUANCE OF WARRANT FOR PAYMENT. (a) The attorney general shall notify the comptroller of the attorney general's determination that a claim under this subchapter is valid and justifies payment. On receipt of the notice, the comptroller shall issue a warrant to or on behalf of the peace officer in the proper amount from amounts in the compensation to victims of crime fund. A payment under this subchapter to or on behalf of a peace officer is payable as soon as possible after the attorney general notifies the comptroller.

(b)  The attorney general and the comptroller by rule shall adopt a memorandum of understanding to establish procedures under which annual payments continue to a peace officer until continued assistance is no longer necessary. (Code Crim. Proc., Arts. 56.542(h), (i).)

Art. 56B.263.  LIMITS ON COMPENSATION. The total aggregate amount of all annual payments made to an individual peace officer under this subchapter may not exceed $200,000. The limits on compensation imposed by Article 56B.106 do not apply to payments made under this subchapter. (Code Crim. Proc., Art. 56.542(k).)

Art. 56B.264.  APPLICATION OF OTHER LAW. (a) Article 56B.052 does not apply to the filing of an application under this subchapter.

(b)  Other provisions of this chapter apply to this subchapter to the extent applicable and consistent with this subchapter. (Code Crim. Proc., Art. 56.542(j).)

SUBCHAPTER G. ATTORNEY'S FEES

Art. 56B.301.  AWARD OF ATTORNEY'S FEES. (a) As part of an order, the attorney general shall determine and award reasonable attorney's fees commensurate with legal services rendered, to be paid by the state to the attorney representing the claimant or victim.

(b)  Attorney's fees may be denied on a finding that the claim or appeal is frivolous.

(c)  An award of attorney's fees is in addition to an award of compensation.

(d)  Attorney's fees may not be paid to an attorney of a claimant or victim unless an award is made to the claimant or victim. (Code Crim. Proc., Arts. 56.43(a) (part), (b), (c), (e).)

Art. 56B.302.  AMOUNT OF ATTORNEY'S FEES. (a) Attorney's fees may not exceed 25 percent of the amount of the award the attorney assisted the claimant or victim in obtaining.

(b)  If there is no dispute of the attorney general's determination of the amount due to the claimant or victim and a hearing is not held, the attorney's fee shall be the lesser of:

(1)  25 percent of the amount the attorney assisted the claimant or victim in obtaining; or

(2)  $300.

(c)  An attorney may not contract for or receive an amount that exceeds the amount allowed under this article. (Code Crim. Proc., Arts. 56.43(a) (part), (d).)

SUBCHAPTER H. JUDICIAL REVIEW

Art. 56B.351.  NOTICE OF DISSATISFACTION. Not later than the 40th day after the date the attorney general renders a final decision, a claimant or victim may file with the attorney general a notice of dissatisfaction with the decision. (Code Crim. Proc., Art. 56.48(a) (part).)

Art. 56B.352.  SUIT; VENUE. Not later than the 40th day after the date the claimant or victim gives notice of dissatisfaction under Article 56B.351, the claimant or victim must bring suit in:

(1)  the district court having jurisdiction in the county in which:

(A)  the injury or death occurred; or

(B)  the victim resided at the time of the injury or death; or

(2)  if the victim resided out of state at the time of the injury or death:

(A)  the district court having jurisdiction in the county in which the injury or death occurred; or

(B)  a district court in Travis County. (Code Crim. Proc., Art. 56.48(a) (part).)

Art. 56B.353.  RESTRICTIONS ON ATTORNEY GENERAL DURING JUDICIAL REVIEW. While judicial review of a decision by the attorney general is pending, the attorney general:

(1)  shall suspend payments to the claimant or victim; and

(2)  may not reconsider the award. (Code Crim. Proc., Art. 56.48(b).)

Art. 56B.354.  STANDARD OF REVIEW. The court shall determine the issues by trial de novo. (Code Crim. Proc., Art. 56.48(c) (part).)

Art. 56B.355.  BURDEN OF PROOF. The burden of proof is on the claimant or victim filing the notice of dissatisfaction. (Code Crim. Proc., Art. 56.48(c) (part).)

Art. 56B.356.  ATTORNEY'S FEES. In the event of judicial review, a court may award as attorney's fees an amount not to exceed 25 percent of the total recovery by the claimant or victim. (Code Crim. Proc., Art. 56.48(d).)

Art. 56B.357.  CALCULATION OF TIME. In calculating a period under Article 56B.351 or 56B.352, if the last day is a legal holiday or Sunday, the last day is not counted, and the time is extended to include the next business day. (Code Crim. Proc., Art. 56.48(e).)

SUBCHAPTER I. PRIVATE ACTION

Art. 56B.401.  NOTICE OF PROPOSED PRIVATE ACTION. Before a claimant or victim may bring an action to recover damages related to criminally injurious conduct for which compensation under this chapter is claimed or awarded, the claimant or victim must give the attorney general written notice of the proposed action. (Code Crim. Proc., Art. 56.52(a) (part).)

Art. 56B.402.  RECEIPT OF NOTICE. After receiving notice under Article 56B.401, the attorney general shall promptly:

(1)  join in the action as a party plaintiff to recover benefits awarded;

(2)  require the claimant or victim to bring the action in the claimant's or victim's name as a trustee on behalf of the state to recover benefits awarded; or

(3)  reserve the attorney general's rights and take neither action described by Subdivision (1) or (2). (Code Crim. Proc., Art. 56.52(a) (part).)

Art. 56B.403.  DEDUCTION FOR REASONABLE EXPENSES. (a) A claimant or victim who brings an action as a trustee as described by Article 56B.402(2) and recovers compensation awarded by the attorney general may deduct from the benefits recovered on behalf of the state the reasonable expenses of the suit, including attorney's fees, expended in pursuing the recovery for the state.

(b)  The claimant or victim must justify a deduction under Subsection (a) to the attorney general in writing on a form provided by the attorney general. (Code Crim. Proc., Art. 56.52(b).)

Art. 56B.404.  LIMITATIONS ON RESOLUTION OF ACTION. (a) A claimant or victim may not settle or otherwise resolve any such action without the attorney general's written authorization.

(b)  A third party or agent, insurer, or attorney of a third party may not participate in the settlement or other resolution of such an action if the third party, agent, insurer, or attorney actually knows, or should know, that the claimant or victim has received money from the compensation to victims of crime fund and is subject to the subrogation provisions of this subchapter.

(c)  Any attempt by a third party or agent, insurer, or attorney of a third party to settle an action is void and does not result in a release from liability to the compensation to victims of crime fund for any rights subrogated under this subchapter.

(d)  An agent, insurer, or attorney described by this article is personally liable to the compensation to victims of crime fund for any money paid to a claimant or victim in violation of this article, in an amount not to exceed the full amount of the fund's right to reimbursement. (Code Crim. Proc., Art. 56.52(c) (part).)

Art. 56B.405.  CRIMINAL PENALTY. (a) A claimant, victim, or third party, or an agent, insurer, or attorney of a third party, commits an offense if the person knowingly fails to comply with the requirements of this chapter, Chapter 56A, or Subchapter B, Chapter 58.

(b)  An offense under Subsection (a) is a Class B misdemeanor, except that any fine imposed may not exceed $500. (Code Crim. Proc., Arts. 56.52(c) (part), (d).)

SUBCHAPTER J. FUNDS

Art. 56B.451.  DEFINITION. In this subchapter, "fund" means the compensation to victims of crime fund. (New.)

Art. 56B.452.  ESTABLISHMENT. (a) The compensation to victims of crime fund is in the state treasury.

(b)  Section 403.095, Government Code, does not apply to the fund. (Code Crim. Proc., Arts. 56.54(a), (g) (part).)

Art. 56B.453.  USE OF MONEY. (a) Money in the fund may be used only as provided by this chapter and is not available for any other purpose.

(b)  Except as provided by Subsection (d) and Articles 56B.455, 56B.458, 56B.459, and 56B.460, the fund may be used only by the attorney general to pay compensation to claimants or victims under this chapter.

(c)  For purposes of Subsection (b), compensation to claimants or victims includes money allocated from the fund to the Crime Victims' Institute created by Section 96.65, Education Code, for the operation of the institute and for other expenses in administering this chapter. The institute shall use money allocated from the fund only for the purposes of Sections 96.65, 96.651, and 96.652, Education Code.

(d)  The attorney general may use the fund to:

(1)  reimburse a law enforcement agency for the reasonable costs of a forensic medical examination that are incurred by the agency under Subchapter F or G, Chapter 56A; and

(2)  make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided under Subchapter F or G, Chapter 56A, in accordance with Section 323.004, Health and Safety Code. (Code Crim. Proc., Arts. 56.54(b), (g) (part), (k).)

Art. 56B.454.  LIMITATIONS ON PAYMENTS. (a) The attorney general may not make compensation payments that exceed the amount of money available in the fund.

(b)  General revenue funds may not be used for payments under this chapter. (Code Crim. Proc., Arts. 56.54(d), (e).)

Art. 56B.455.  AMOUNT CARRIED FORWARD. An amount of money deposited to the credit of the fund not to exceed one-quarter of the amount disbursed from that fund in the form of compensation payments during a state fiscal year shall be carried forward into the next succeeding state fiscal year and applied toward the amount listed in that fiscal year's method of financing. (Code Crim. Proc., Art. 56.54(h).)

Art. 56B.456.  TRANSFER OF MONEY FROM AUXILIARY FUND. (a) Not later than September 15 of each year, the attorney general, after consulting with the comptroller, shall certify the amount of money remaining in the compensation to victims of crime auxiliary fund at the end of the preceding state fiscal year.

(b)  If the amount remaining in the compensation to victims of crime auxiliary fund as certified under Subsection (a) exceeds $5 million, as soon as practicable after the date of certification, the attorney general may transfer to the fund an amount that is not more than 50 percent of the excess amount in the auxiliary fund. Money transferred under this subsection may be used only to make compensation payments during the state fiscal year in which the amount is transferred. (Code Crim. Proc., Art. 56.54(m).)

Art. 56B.457.  GIFTS, GRANTS, AND DONATIONS. (a) The attorney general may accept gifts, grants, and donations to be credited to the fund.

(b)  The attorney general shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all gifts, grants, and donations received and disbursed, used, or maintained by the attorney general that are credited to the fund. (Code Crim. Proc., Art. 56.54(f).)

Art. 56B.458.  EMERGENCY RESERVE. (a) If the amount available in the fund is sufficient in a state fiscal year to make all compensation payments, the attorney general may retain any portion of the fund that was deposited during the fiscal year that exceeded compensation payments made during that fiscal year as an emergency reserve for the next fiscal year. The emergency reserve may not exceed $10,000,000.

(b)  The emergency reserve may be used only:

(1)  to make compensation awards in claims; and

(2)  to provide emergency relief and assistance, including crisis intervention, emergency housing, travel, food, or expenses and technical assistance expenses incurred in implementing this article in incidents resulting from an act of mass violence or from an act of international terrorism as defined by 18 U.S.C. Section 2331, occurring in this state or for Texas residents injured or killed in an act of terrorism outside of the United States. (Code Crim. Proc., Art. 56.54(i).)

Art. 56B.459.  APPROPRIATION FOR ASSOCIATE JUDGE PROGRAM. The legislature may appropriate money in the fund to administer the associate judge program under Subchapter C, Chapter 201, Family Code. (Code Crim. Proc., Art. 56.54(j).)

Art. 56B.460.  APPROPRIATION FOR OTHER CRIME VICTIM ASSISTANCE. (a) Not later than December 15 of each even-numbered year, the attorney general, after consulting with the comptroller, shall prepare forecasts and certify estimates of:

(1)  the amount of money in the fund that the attorney general anticipates will remain unexpended at the end of the current state fiscal year and that is available for appropriation in the next state fiscal biennium;

(2)  the amount of money that the attorney general anticipates will be received from deposits made to the credit of the fund during the next state fiscal biennium, other than deposits of:

(A)  gifts, grants, and donations; and

(B)  money received from the United States; and

(3)  the amount of money from the fund that the attorney general anticipates will be obligated during the next state fiscal biennium to comply with this chapter, Chapter 56A, and Subchapter B, Chapter 58.

(b)  At the time the attorney general certifies the estimates made under Subsection (a), the attorney general shall also certify for the next state fiscal biennium the amount of excess money in the fund available for the purposes of Subsection (c), calculated by multiplying the amount estimated under Subsection (a)(3) by 105 percent and subtracting that product from the sum of the amounts estimated under Subsections (a)(1) and (2).

(c)  For a state fiscal biennium, the legislature may appropriate from the fund the amount of excess money in the fund certified for the biennium under Subsection (b) to state agencies that deliver or fund victim-related services or assistance.

(d)  The attorney general and the comptroller shall cooperate in determining the proper allocation of the various sources of revenue deposited to the credit of the fund for purposes of this article.

(e)  The attorney general may use money appropriated from the fund for grants or contracts supporting victim-related services or assistance, including support for private Texas nonprofit corporations that provide victim-related civil legal services directly to victims, immediate family members of victims, or claimants. A grant supporting victim-related services or assistance is governed by Chapter 783, Government Code.

(f)  The attorney general shall adopt rules necessary to implement this article. (Code Crim. Proc., Art. 56.541.)

Art. 56B.461.  USE OF AUXILIARY FUND. As appropriated by the legislature, the attorney general may use the compensation to victims of crime auxiliary fund to cover costs incurred by the attorney general in administering the address confidentiality program established under Subchapter B, Chapter 58. (Code Crim. Proc., Art. 56.54(l).)

Art. 56B.462.  PAYERS OF LAST RESORT. The fund and the compensation to victims of crime auxiliary fund are the payers of last resort. (Code Crim. Proc., Art. 56.34(f).)

SUBCHAPTER K. ADMINISTRATIVE PENALTY

Art. 56B.501.  CONDUCT SUBJECT TO PENALTY; AMOUNT OF PENALTY. (a) A person who presents to the attorney general, or engages in conduct that results in the presentation to the attorney general of, an application for compensation under this chapter that contains a statement or representation the person knows to be false is liable to the attorney general for:

(1)  the amount paid in reliance on the application, plus interest on that amount determined at the rate provided by law for legal judgments and accruing from the date on which the payment was made;

(2)  payment of an administrative penalty in an amount not to exceed twice the amount paid as a result of the false application for benefits or claim for pecuniary loss; and

(3)  payment of an administrative penalty in an amount not to exceed $10,000 for each item or service for which payment was claimed.

(b)  In determining the amount of the penalty to be assessed under Subsection (a)(3), the attorney general shall consider:

(1)  the seriousness of the violation;

(2)  whether the person has previously submitted a false application for benefits or a claim for pecuniary loss; and

(3)  the amount necessary to deter the person from submitting future false applications for benefits or claims for pecuniary loss. (Code Crim. Proc., Arts. 56.64(a), (b).)

Art. 56B.502.  REPORT AND NOTICE OF VIOLATION AND PENALTY. (a) On determining that a violation has occurred, the attorney general may issue a report stating:

(1)  the facts on which the determination is made; and

(2)  the attorney general's recommendation on the imposition of an administrative penalty, including a recommendation on the amount of the penalty.

(b)  The attorney general shall give written notice of the report to the person described by Article 56B.501. The notice may be given by certified mail and must:

(1)  include a brief summary of the alleged violation;

(2)  state the amount of the recommended penalty; and

(3)  inform the person of the right to a hearing on the occurrence of the violation, the amount of the penalty, or both. (Code Crim. Proc., Arts. 56.64(c), (d).)

Art. 56B.503.  PENALTY TO BE PAID OR HEARING REQUESTED. (a) Not later than the 20th day after the date the person receives the notice, the person in writing may:

(1)  accept the attorney general's determination and recommended administrative penalty; or

(2)  request a hearing on the occurrence of the violation, the amount of the penalty, or both.

(b)  If the person accepts the attorney general's determination and recommended penalty, the attorney general by order shall approve the determination and impose the recommended penalty. (Code Crim. Proc., Arts. 56.64(e), (f).)

Art. 56B.504.  HEARING. (a) If the person requests a hearing as provided by Article 56B.503(a) or fails to respond to the notice in a timely manner, the attorney general shall set a contested case hearing under Chapter 2001, Government Code, and notify the person of the hearing.

(b)  The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the attorney general a proposal for a decision regarding the occurrence of the violation and the amount of a proposed administrative penalty. (Code Crim. Proc., Art. 56.64(g) (part).)

Art. 56B.505.  DECISION BY ATTORNEY GENERAL. (a) Based on the findings of fact, conclusions of law, and proposal for a decision, the attorney general by order may find that:

(1)  a violation occurred and impose an administrative penalty; or

(2)  a violation did not occur.

(b)  Notice of the attorney general's order given to the person under Chapter 2001, Government Code, must include a statement of the person's right to judicial review of the order. (Code Crim. Proc., Arts. 56.64(g) (part), (h).)

Art. 56B.506.  OPTIONS FOLLOWING DECISION: PAY OR APPEAL. (a) Not later than the 30th day after the date the attorney general's order becomes final under Section 2001.144, Government Code, the person shall:

(1)  pay the administrative penalty;

(2)  pay the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both; or

(3)  without paying the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both.

(b)  Within the 30-day period, a person who acts under Subsection (a)(3) may:

(1)  stay enforcement of the penalty by:

(A)  paying the penalty to the court for placement in an escrow account; or

(B)  giving to the court a supersedeas bond that is approved by the court and that is:

(i)  for the amount of the penalty; and

(ii)  effective until judicial review of the attorney general's order is final; or

(2)  request the court to stay enforcement of the penalty by:

(A)  filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the penalty or give the supersedeas bond; and

(B)  delivering a copy of the affidavit to the attorney general by certified mail.

(c)  On receipt by the attorney general of a copy of an affidavit under Subsection (b)(2), the attorney general may file with the court a contest to the affidavit not later than the fifth day after the date the copy is received.

(d)  The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. A person who files an affidavit under Subsection (b)(2) has the burden of proving that the person is financially unable to pay the penalty or give a supersedeas bond. (Code Crim. Proc., Arts. 56.64(i), (j), (k).)

Art. 56B.507.  COLLECTION OF PENALTY. If the person does not pay the administrative penalty and the enforcement of the penalty is not stayed, the attorney general may file suit to collect the penalty. (Code Crim. Proc., Art. 56.64(l).)

Art. 56B.508.  DECISION BY COURT. (a) If the court sustains the finding that a violation occurred, the court may order the person to pay the full or a reduced administrative penalty.

(b)  If the court does not sustain the finding that a violation occurred, the court shall order that a penalty is not owed. (Code Crim. Proc., Art. 56.64(n).)

Art. 56B.509.  REMITTANCE OF PENALTY AND INTEREST. (a) If the person paid the administrative penalty and the amount is reduced or is not upheld by the court, the court shall order that the appropriate amount plus accrued interest be remitted to the person.

(b)  The interest accrues at the rate charged on loans to depository institutions by the New York Federal Reserve Bank. The interest shall be paid for the period beginning on the date the penalty was paid and ending on the date the penalty is remitted. (Code Crim. Proc., Art. 56.64(o) (part).)

Art. 56B.510.  RELEASE OF BOND. (a) If the person gave a supersedeas bond and the administrative penalty is not upheld by the court, the court shall order the release of the bond.

(b)  If the person gave a supersedeas bond and the amount of the penalty is reduced, the court shall order the release of the bond after the person pays the amount. (Code Crim. Proc., Art. 56.64(o) (part).)

Art. 56B.511.  DISPOSITION OF PENALTY. An administrative penalty collected under this subchapter shall be sent to the comptroller and deposited to the credit of the compensation to victims of crime fund. (Code Crim. Proc., Art. 56.64(p).)

Art. 56B.512.  RECOVERY OF EXPENSES. In addition to the administrative penalty authorized by this subchapter, the attorney general may recover all expenses incurred by the attorney general in the investigation, institution, and prosecution of the suit, including investigative costs, witness fees, attorney's fees, and deposition expenses. (Code Crim. Proc., Art. 56.64(r).)

Art. 56B.513.  ADMINISTRATIVE PROCEDURE. A proceeding under this subchapter is subject to Chapter 2001, Government Code. (Code Crim. Proc., Art. 56.64(q).)

SUBCHAPTER L. OTHER PENALTIES AND SANCTIONS

Art. 56B.551.  LETTER OF REPRIMAND. (a) The attorney general may issue a letter of reprimand against an individual who the attorney general finds has filed or has caused to be filed under this chapter an application for benefits or claim for pecuniary loss that contains a statement or representation that the individual knows is false.

(b)  The attorney general must give the individual notice of the proposed action before issuing the letter.

(c)  An individual may challenge the denial of compensation and the issuance of a letter of reprimand in a contested case hearing under Chapter 2001, Government Code.

(d)  A letter of reprimand issued under this article is public information. (Code Crim. Proc., Art. 56.62.)

Art. 56B.552.  CIVIL PENALTY. (a) A person is subject to a civil penalty of not less than $2,500 or more than $25,000 for each application for compensation that:

(1)  is filed under this chapter by the person or as a result of the person's conduct; and

(2)  contains a material statement or representation that the person knows is false.

(b)  The attorney general shall institute and conduct a suit to collect on behalf of the state the civil penalty authorized by this article.

(c)  A civil penalty recovered under this article shall be deposited to the credit of the compensation to victims of crime fund.

(d)  The civil penalty authorized by this article is in addition to any other civil, administrative, or criminal penalty provided by law.

(e)  In addition to the civil penalty authorized by this article, the attorney general may recover expenses incurred by the attorney general in the investigation, institution, and prosecution of the suit, including investigative costs, witness fees, attorney's fees, and deposition expenses. (Code Crim. Proc., Art. 56.63.)

SECTION 1.07.  Title 1, Code of Criminal Procedure, is amended by adding Chapter 58 to read as follows:

CHAPTER 58. CONFIDENTIALITY OF IDENTIFYING INFORMATION AND MEDICAL RECORDS OF CERTAIN CRIME VICTIMS

SUBCHAPTER A. GENERAL PROVISIONS

Art. 58.001.  GENERAL DEFINITIONS

SUBCHAPTER B. ADDRESS CONFIDENTIALITY PROGRAM FOR CERTAIN CRIME VICTIMS

Art. 58.051.  DEFINITIONS

Art. 58.052.  ADDRESS CONFIDENTIALITY PROGRAM

Art. 58.053.  AGENCY ACCEPTANCE OF SUBSTITUTE ADDRESS

                REQUIRED; EXEMPTIONS

Art. 58.054.  ELIGIBILITY

Art. 58.055.  APPLICATION

Art. 58.056.  APPLICATION AND ELIGIBILITY RULES AND

                PROCEDURES

Art. 58.057.  FALSE STATEMENT ON APPLICATION

Art. 58.058.  EXCLUSION FROM PARTICIPATION IN PROGRAM;

                WITHDRAWAL

Art. 58.059.  CERTIFICATION OF PARTICIPATION IN PROGRAM

Art. 58.060.  CONFIDENTIALITY OF PARTICIPANT

                INFORMATION; DESTRUCTION OF INFORMATION

Art. 58.061.  EXCEPTIONS

Art. 58.062.  LIABILITY

SUBCHAPTER C. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF SEX OFFENSE VICTIMS

Art. 58.101.  DEFINITION

Art. 58.102.  DESIGNATION OF PSEUDONYM; PSEUDONYM FORM

Art. 58.103.  VICTIM INFORMATION CONFIDENTIAL

Art. 58.104.  COURT-ORDERED DISCLOSURE OF VICTIM

                INFORMATION

Art. 58.105.  DISCLOSURE OF CERTAIN CHILD VICTIM

                INFORMATION PROHIBITED

Art. 58.106.  DISCLOSURE OF INFORMATION OF CONFINED

                VICTIM

Art. 58.107.  OFFENSE

SUBCHAPTER D. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF VICTIMS OF STALKING

Art. 58.151.  DEFINITION

Art. 58.152.  DESIGNATION OF PSEUDONYM; PSEUDONYM FORM

Art. 58.153.  VICTIM INFORMATION CONFIDENTIAL

Art. 58.154.  COURT-ORDERED DISCLOSURE OF VICTIM

                INFORMATION

Art. 58.155.  DISCLOSURE OF CERTAIN CHILD VICTIM

                INFORMATION PROHIBITED

Art. 58.156.  OFFENSE

Art. 58.157.  EFFECT ON OTHER LAW

SUBCHAPTER E. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF VICTIMS OF FAMILY VIOLENCE

Art. 58.201.  DEFINITION

Art. 58.202.  DESIGNATION OF PSEUDONYM; PSEUDONYM FORM

Art. 58.203.  VICTIM INFORMATION CONFIDENTIAL

Art. 58.204.  COURT-ORDERED DISCLOSURE OF VICTIM

                INFORMATION

Art. 58.205.  DISCLOSURE OF CERTAIN CHILD VICTIM

                INFORMATION PROHIBITED

Art. 58.206.  OFFENSE

Art. 58.207.  APPLICABILITY OF SUBCHAPTER TO DEPARTMENT

                OF FAMILY AND PROTECTIVE SERVICES

Art. 58.208.  APPLICABILITY OF SUBCHAPTER TO POLITICAL

                SUBDIVISIONS

SUBCHAPTER F. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF VICTIMS OF TRAFFICKING OF PERSONS

Art. 58.251.  DEFINITION

Art. 58.252.  DESIGNATION OF PSEUDONYM; PSEUDONYM FORM

Art. 58.253.  VICTIM INFORMATION CONFIDENTIAL

Art. 58.254.  COURT-ORDERED DISCLOSURE OF VICTIM

                INFORMATION

Art. 58.255.  DISCLOSURE OF CHILD VICTIM INFORMATION

                PROHIBITED

Art. 58.256.  OFFENSE

SUBCHAPTER G. SEALING OF MEDICAL RECORDS OF CERTAIN CHILD VICTIMS

Art. 58.301.  DEFINITIONS

Art. 58.302.  SEALING OF MEDICAL RECORDS

Art. 58.303.  ACCESS TO SEALED MEDICAL RECORDS

Art. 58.304.  LIABILITY

CHAPTER 58. CONFIDENTIALITY OF IDENTIFYING INFORMATION AND MEDICAL RECORDS OF CERTAIN CRIME VICTIMS

SUBCHAPTER A. GENERAL PROVISIONS

Art. 58.001.  GENERAL DEFINITIONS. In this chapter:

(1)  "Name" means the legal name of a person.

(2)  "Pseudonym" means a set of initials or a fictitious name chosen by a victim to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings.

(3)  "Public servant" has the meaning assigned by Section 1.07(a), Penal Code. (Code Crim. Proc., Arts. 57.01(1), (2), (3), 57A.01(1), (2), (3), 57B.01(1), (2), (3), 57D.01(1), (2), (3).)

SUBCHAPTER B. ADDRESS CONFIDENTIALITY PROGRAM FOR CERTAIN CRIME VICTIMS

Art. 58.051.  DEFINITIONS. In this subchapter:

(1)  "Applicant" means a person who applies to participate in the program.

(2)  "Family violence" has the meaning assigned by Section 71.004, Family Code.

(3)  "Family violence shelter center" has the meaning assigned by Section 51.002, Human Resources Code.

(4)  "Household" has the meaning assigned by Section 71.005, Family Code.

(5)  "Mail" means first class mail and any mail sent by a government agency. The term does not include a package, regardless of size or type of mailing.

(6)  "Participant" means an applicant who is certified for participation in the program.

(7)  "Program" means the address confidentiality program created under this subchapter.

(8)  "Sexual abuse" means any conduct that constitutes an offense under Section 21.02, 21.11, or 25.02, Penal Code.

(9)  "Sexual assault" means any conduct that constitutes an offense under Section 22.011 or 22.021, Penal Code.

(10)  "Stalking" means any conduct that constitutes an offense under Section 42.072, Penal Code.

(11)  "Trafficking of persons" means any conduct that:

(A)  constitutes an offense under Section 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code; and

(B)  results in a person:

(i)  engaging in forced labor or services; or

(ii)  otherwise becoming a victim of the offense. (Code Crim. Proc., Art. 56.81.)

Art. 58.052.  ADDRESS CONFIDENTIALITY PROGRAM. (a) The attorney general shall establish an address confidentiality program, as provided by this subchapter, to assist a victim of family violence, sexual assault or abuse, stalking, or trafficking of persons in maintaining a confidential address.

(b)  The attorney general shall:

(1)  designate a substitute post office box address that a participant may use in place of the participant's true residential, business, or school address;

(2)  act as agent to receive service of process and mail on behalf of the participant; and

(3)  forward to the participant mail received by the office of the attorney general on behalf of the participant.

(c)  A summons, writ, notice, demand, or process may be served on the attorney general on behalf of the participant by delivery of two copies of the document to the office of the attorney general. The attorney general shall retain a copy of the summons, writ, notice, demand, or process and forward the original to the participant not later than the third day after the date of service on the attorney general.

(d)  The attorney general shall make and retain a copy of the envelope in which certified mail is received on behalf of the participant.

(e)  The attorney general shall adopt rules to administer the program. (Code Crim. Proc., Arts. 56.82, 56.93.)

Art. 58.053.  AGENCY ACCEPTANCE OF SUBSTITUTE ADDRESS REQUIRED; EXEMPTIONS. (a) Except as provided by Subsection (b), a state or local agency must accept the substitute post office box address designated by the attorney general if the substitute address is presented to the agency by a participant in place of the participant's true residential, business, or school address.

(b)  The attorney general by rule may permit an agency to require a participant to provide the participant's true residential, business, or school address, if necessary for the agency to perform a duty or function that is imposed by law or administrative requirement. (Code Crim. Proc., Art. 56.89.)

Art. 58.054.  ELIGIBILITY. To be eligible to participate in the program:

(1)  an applicant must:

(A)  meet with a victim's assistance counselor from a state or local agency or other for-profit or nonprofit entity that is identified by the attorney general as an entity that provides shelter or civil legal services or counseling to victims of family violence, sexual assault or abuse, stalking, or trafficking of persons;

(B)  be protected under, or be filing an application on behalf of a victim who is the applicant's child or another person in the applicant's household and who is protected under:

(i)  a temporary injunction issued under Subchapter F, Chapter 6, Family Code;

(ii)  a temporary ex parte order issued under Chapter 83, Family Code;

(iii)  an order issued under Subchapter A or B, Chapter 7B, of this code or Chapter 85, Family Code; or

(iv)  a magistrate's order for emergency protection issued under Article 17.292; or

(C)  possess documentation of family violence, as identified by the rules adopted under Article 58.056, or of sexual assault or abuse or stalking, as described by Section 92.0161, Property Code; and

(2)  an applicant must:

(A)  file an application for participation with the attorney general or a state or local agency or other entity identified by the attorney general under Subdivision (1);

(B)  file an affirmation that the applicant has discussed safety planning with a victim's assistance counselor described by Subdivision (1)(A);

(C)  designate the attorney general as agent to receive service of process and mail on behalf of the applicant; and

(D)  live at a residential address, or relocate to a residential address, that is unknown to the person who committed or is alleged to have committed the family violence, sexual assault or abuse, stalking, or trafficking of persons. (Code Crim. Proc., Art. 56.83(a).)

Art. 58.055.  APPLICATION. (a) An application under Article 58.054(2)(A) must contain:

(1)  a signed, sworn statement by the applicant stating that the applicant fears for the safety of the applicant, the applicant's child, or another person in the applicant's household because of a threat of immediate or future harm caused by the person who committed or is alleged to have committed the family violence, sexual assault or abuse, stalking, or trafficking of persons;

(2)  the applicant's true residential address and, if applicable, the applicant's business and school addresses; and

(3)  a statement by the applicant of whether there is an existing court order or a pending court case for child support or child custody or visitation that involves the applicant, the applicant's child, or another person in the applicant's household and, if so, the name and address of:

(A)  the legal counsel of record; and

(B)  each parent involved in the court order or pending case.

(b)  An application under Article 58.054(2)(A) must be completed by the applicant in person at the state or local agency or other entity with which the application is filed.

(c)  A state or local agency or other entity with which an application is filed under Article 58.054(2)(A) shall forward the application to the office of the attorney general.

(d)  Any assistance or counseling provided by the attorney general or an employee or agent of the attorney general to an applicant does not constitute legal advice.

(e)  The attorney general shall make program information and application materials available online. (Code Crim. Proc., Arts. 56.83(b), (c) (part), (d), (f), 56.92.)

Art. 58.056.  APPLICATION AND ELIGIBILITY RULES AND PROCEDURES. (a) The attorney general may establish procedures for requiring an applicant, in appropriate circumstances, to submit with the application under Article 58.054(2)(A) independent documentary evidence of family violence, sexual assault or abuse, stalking, or trafficking of persons in the form of:

(1)  an active or recently issued order described by Article 58.054(1)(B);

(2)  an incident report or other record maintained by a law enforcement agency or official;

(3)  a statement of a physician or other health care provider regarding the medical condition of the applicant, applicant's child, or other person in the applicant's household as a result of the family violence, sexual assault or abuse, stalking, or trafficking of persons;

(4)  a statement of a mental health professional, a member of the clergy, an attorney or other legal advocate, a trained staff member of a family violence center, or another professional who has assisted the applicant, applicant's child, or other person in the applicant's household in addressing the effects of the family violence, sexual assault or abuse, stalking, or trafficking of persons; or

(5)  any other independent documentary evidence necessary to show the applicant's eligibility to participate in the program.

(b)  The attorney general by rule may establish additional eligibility requirements for participation in the program that are consistent with the purpose of the program as stated in Article 58.052(a). (Code Crim. Proc., Arts. 56.83(e), (e-1).)

Art. 58.057.  FALSE STATEMENT ON APPLICATION. (a) An applicant who knowingly or intentionally makes a false statement in an application under Article 58.054(2)(A) is subject to prosecution under Chapter 37, Penal Code.

(b)  An applicant is ineligible for, and a participant may be excluded from, participation in the program if the applicant or participant knowingly makes a false statement on an application filed under Article 58.054(2)(A). (Code Crim. Proc., Arts. 56.83(c) (part), 56.86(a).)

Art. 58.058.  EXCLUSION FROM PARTICIPATION IN PROGRAM; WITHDRAWAL. (a) A participant may be excluded from participation in the program if:

(1)  mail forwarded to the participant by the attorney general is returned undeliverable on at least four occasions;

(2)  the participant changes the participant's true residential address as provided in the application filed under Article 58.054(2)(A) and does not notify the attorney general of the change at least 10 days before the date of the change; or

(3)  the participant changes the participant's name.

(b)  A participant may withdraw from the program by notifying the attorney general in writing of the withdrawal. (Code Crim. Proc., Arts. 56.86(b), 56.87.)

Art. 58.059.  CERTIFICATION OF PARTICIPATION IN PROGRAM. (a) The attorney general shall certify for participation in the program an applicant who satisfies the eligibility requirements under Articles 58.054 and 58.056(b).

(b)  A certification under this article expires on the third anniversary of the date of certification.

(c)  To renew a certification under this article, a participant must satisfy the eligibility requirements under Articles 58.054 and 58.056(b) as if the participant were originally applying for participation in the program. (Code Crim. Proc., Arts. 56.84, 56.85.)

Art. 58.060.  CONFIDENTIALITY OF PARTICIPANT INFORMATION; DESTRUCTION OF INFORMATION. (a) Information relating to a participant:

(1)  is confidential, except as provided by Article 58.061; and

(2)  may not be disclosed under Chapter 552, Government Code.

(b)  Except as provided by Article 58.052(d), the attorney general may not make a copy of any mail received by the office of the attorney general on behalf of the participant.

(c)  The attorney general shall destroy all information relating to a participant on the third anniversary of the date the participant's participation in the program ends. (Code Crim. Proc., Art. 56.88.)

Art. 58.061.  EXCEPTIONS. (a) The attorney general shall disclose a participant's true residential, business, or school address if:

(1)  requested by:

(A)  a law enforcement agency for the purpose of conducting an investigation;

(B)  the Department of Family and Protective Services for the purpose of conducting a child protective services investigation under Chapter 261, Family Code; or

(C)  the Department of State Health Services or a local health authority for the purpose of making a notification described by Article 21.31 of this code, Section 54.033, Family Code, or Section 81.051, Health and Safety Code; or

(2)  required by court order.

(b)  The attorney general may disclose a participant's true residential, business, or school address if:

(1)  the participant consents to the disclosure; and

(2)  the disclosure is necessary to administer the program.

(c)  A person to whom a participant's true residential, business, or school address is disclosed under this article shall maintain the requested information in a manner that protects the confidentiality of the participant's true residential, business, or school address. (Code Crim. Proc., Art. 56.90.)

Art. 58.062.  LIABILITY. (a) The attorney general or an agent or employee of the attorney general is immune from liability for any act or omission by the agent or employee in administering the program if the agent or employee was acting in good faith and in the course and scope of assigned responsibilities and duties.

(b)  An agent or employee of the attorney general who does not act in good faith and in the course and scope of assigned responsibilities and duties in disclosing a participant's true residential, business, or school address is subject to prosecution under Chapter 39, Penal Code. (Code Crim. Proc., Art. 56.91.)

SUBCHAPTER C. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF SEX OFFENSE VICTIMS

Art. 58.101.  DEFINITION. In this subchapter, "victim" means a person who was the subject of:

(1)  an offense the commission of which leads to a reportable conviction or adjudication under Chapter 62; or

(2)  an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense described by Subdivision (1). (Code Crim. Proc., Art. 57.01(4).)

Art. 58.102.  DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a) A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this subchapter must complete a pseudonym form developed under Subsection (b) and return the form to the law enforcement agency investigating the offense.

(b)  The Sexual Assault Prevention and Crisis Services Program of the office of the attorney general shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim. (Code Crim. Proc., Arts. 57.02(a), (b).)

Art. 58.103.  VICTIM INFORMATION CONFIDENTIAL. (a) A victim who completes a pseudonym form and returns the form to the law enforcement agency investigating the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.

(b)  A completed and returned pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except on an order of a court. The court finding required by Article 58.104 is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.

(c)  If a victim completes a pseudonym form and returns the form to a law enforcement agency under Article 58.102(a), the law enforcement agency receiving the form shall:

(1)  remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession;

(2)  notify the attorney representing the state of the pseudonym and that the victim has elected to be designated by the pseudonym; and

(3)  maintain the form in a manner that protects the confidentiality of the information contained on the form.

(d)  An attorney representing the state who receives notice that a victim has elected to be designated by a pseudonym shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense. (Code Crim. Proc., Arts. 57.02(c), (d), (e), (f).)

Art. 58.104.  COURT-ORDERED DISCLOSURE OF VICTIM INFORMATION. A court may order the disclosure of a victim's name, address, and telephone number only if the court finds that the information is essential in the trial of the defendant for the offense or the identity of the victim is in issue. (Code Crim. Proc., Art. 57.02(g).)

Art. 58.105.  DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION PROHIBITED. Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 17 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. This article does not apply to the release or disclosure of a victim's identifying information by:

(1)  the victim; or

(2)  the victim's parent, conservator, or guardian, unless the parent, conservator, or guardian is a defendant in the case. (Code Crim. Proc., Art. 57.02(h).)

Art. 58.106.  DISCLOSURE OF INFORMATION OF CONFINED VICTIM. This subchapter does not prohibit the inspector general of the Texas Department of Criminal Justice from disclosing a victim's identifying information to an employee of the department or the department's ombudsperson if the victim is an inmate or state jail defendant confined in a facility operated by or under contract with the department. (Code Crim. Proc., Art. 57.02(i) as added Acts 80th Leg., R.S., Chs. 619, 1217.)

Art. 58.107.  OFFENSE. (a) A public servant commits an offense if the public servant:

(1)  has access to the name, address, or telephone number of a victim 17 years of age or older who has chosen a pseudonym under this subchapter; and

(2)  knowingly discloses the name, address, or telephone number of the victim to:

(A)  a person who is not assisting in the investigation or prosecution of the offense; or

(B)  a person other than:

(i)  the defendant;

(ii)  the defendant's attorney; or

(iii)  the person specified in the order of a court.

(b)  Unless the disclosure is required or permitted by other law, a public servant or other person commits an offense if the person:

(1)  has access to or obtains the name, address, or telephone number of a victim younger than 17 years of age; and

(2)  knowingly discloses the name, address, or telephone number of the victim to:

(A)  a person who is not assisting in the investigation or prosecution of the offense; or

(B)  a person other than:

(i)  the defendant;

(ii)  the defendant's attorney; or

(iii)  a person specified in an order of a court.

(c)  It is an affirmative defense to prosecution under Subsection (b) that the actor is:

(1)  the victim; or

(2)  the victim's parent, conservator, or guardian, unless the actor is a defendant in the case.

(d)  It is an exception to the application of this article that:

(1)  the person who discloses the name, address, or telephone number of a victim is the inspector general of the Texas Department of Criminal Justice;

(2)  the victim is an inmate or state jail defendant confined in a facility operated by or under contract with the department; and

(3)  the person to whom the disclosure is made is an employee of the department or the department's ombudsperson.

(e)  An offense under this article is a Class C misdemeanor. (Code Crim. Proc., Art. 57.03.)

SUBCHAPTER D. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF VICTIMS OF STALKING

Art. 58.151.  DEFINITION. In this subchapter, "victim" means a person who is the subject of:

(1)  an offense that allegedly constitutes stalking under Section 42.072, Penal Code; or

(2)  an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense under Section 42.072, Penal Code. (Code Crim. Proc., Art. 57A.01(4).)

Art. 58.152.  DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a) A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this subchapter must complete a pseudonym form developed under Subsection (b) and return the form to the law enforcement agency investigating the offense.

(b)  The office of the attorney general shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim. (Code Crim. Proc., Arts. 57A.02(a), (b).)

Art. 58.153.  VICTIM INFORMATION CONFIDENTIAL. (a) A victim who completes a pseudonym form and returns the form to the law enforcement agency investigating the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.

(b)  A completed and returned pseudonym form is confidential and may not be disclosed to any person other than the victim identified by the pseudonym form, a defendant in the case, or the defendant's attorney, except on an order of a court. The court finding required by Article 58.154 is not required to disclose the confidential pseudonym form to the victim identified by the pseudonym form, the defendant in the case, or the defendant's attorney.

(c)  If a victim completes a pseudonym form and returns the form to a law enforcement agency under Article 58.152(a), the law enforcement agency receiving the form shall:

(1)  remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession;

(2)  notify the attorney representing the state of the pseudonym and that the victim has elected to be designated by the pseudonym;

(3)  provide to the victim a copy of the completed pseudonym form showing that the form was returned to the law enforcement agency; and

(4)  maintain the form in a manner that protects the confidentiality of the information contained on the form.

(d)  An attorney representing the state who receives notice that a victim has elected to be designated by a pseudonym shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense. (Code Crim. Proc., Arts. 57A.02(c), (d), (e), (f).)

Art. 58.154.  COURT-ORDERED DISCLOSURE OF VICTIM INFORMATION. A court may order the disclosure of a victim's name, address, and telephone number only if the court finds that:

(1)  the information is essential in the trial of the defendant for the offense;

(2)  the identity of the victim is in issue; or

(3)  the disclosure is in the best interest of the victim. (Code Crim. Proc., Art. 57A.02(g).)

Art. 58.155.  DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION PROHIBITED. Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 17 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. This article does not apply to the release or disclosure of a victim's identifying information by:

(1)  the victim; or

(2)  the victim's parent, conservator, or guardian, unless the victim's parent, conservator, or guardian allegedly committed the offense described by Article 58.151. (Code Crim. Proc., Art. 57A.02(h).)

Art. 58.156.  OFFENSE. (a) A public servant commits an offense if the public servant:

(1)  has access to the name, address, or telephone number of a victim 17 years of age or older who has chosen a pseudonym under this subchapter; and

(2)  knowingly discloses the name, address, or telephone number of the victim to:

(A)  a person who is not assisting in the investigation or prosecution of the offense; or

(B)  a person other than:

(i)  the defendant;

(ii)  the defendant's attorney; or

(iii)  the person specified in the order of a court.

(b)  Unless the disclosure is required or permitted by other law, a public servant or other person commits an offense if the person:

(1)  has access to or obtains the name, address, or telephone number of a victim younger than 17 years of age; and

(2)  knowingly discloses the name, address, or telephone number of the victim to:

(A)  a person who is not assisting in the investigation or prosecution of the offense; or

(B)  a person other than:

(i)  the defendant;

(ii)  the defendant's attorney; or

(iii)  a person specified in an order of a court.

(c)  It is an affirmative defense to prosecution under Subsection (b) that the actor is:

(1)  the victim; or

(2)  the victim's parent, conservator, or guardian, unless the victim's parent, conservator, or guardian allegedly committed the offense described by Article 58.151.

(d)  An offense under this article is a Class C misdemeanor. (Code Crim. Proc., Art. 57A.03.)

Art. 58.157.  EFFECT ON OTHER LAW. This subchapter does not affect:

(1)  a victim's responsibility to provide documentation of stalking under Section 92.0161, Property Code; or

(2)  a person's power or duty to disclose the documented information as provided by Subsection (j) of that section. (Code Crim. Proc., Art. 57A.04.)

SUBCHAPTER E. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF VICTIMS OF FAMILY VIOLENCE

Art. 58.201.  DEFINITION. In this subchapter, "victim" means a person who is the subject of:

(1)  an offense that allegedly constitutes family violence, as defined by Section 71.004, Family Code; or

(2)  an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense described by Subdivision (1). (Code Crim. Proc., Art. 57B.01(4).)

Art. 58.202.  DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a) A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this subchapter must complete a pseudonym form developed under Subsection (b) and return the form to the law enforcement agency investigating the offense.

(b)  The office of the attorney general shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim. (Code Crim. Proc., Arts. 57B.02(a), (b).)

Art. 58.203.  VICTIM INFORMATION CONFIDENTIAL. (a) A victim who completes a pseudonym form and returns the form to the law enforcement agency investigating the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.

(b)  A completed and returned pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except on an order of a court. The court finding required by Article 58.204 is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.

(c)  If a victim completes a pseudonym form and returns the form to a law enforcement agency under Article 58.202(a), the law enforcement agency receiving the form shall:

(1)  remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession;

(2)  notify the attorney representing the state of the pseudonym and that the victim has elected to be designated by the pseudonym; and

(3)  maintain the form in a manner that protects the confidentiality of the information contained on the form.

(d)  An attorney representing the state who receives notice that a victim has elected to be designated by a pseudonym shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense. (Code Crim. Proc., Arts. 57B.02(c), (d), (e), (f).)

Art. 58.204.  COURT-ORDERED DISCLOSURE OF VICTIM INFORMATION. A court may order the disclosure of a victim's name, address, and telephone number only if the court finds that the information is essential in the trial of the defendant for the offense or the identity of the victim is in issue. (Code Crim. Proc., Art. 57B.02(g).)

Art. 58.205.  DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION PROHIBITED. Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 17 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. This article does not apply to the release or disclosure of a victim's identifying information by:

(1)  the victim; or

(2)  the victim's parent, conservator, or guardian, unless the victim's parent, conservator, or guardian allegedly committed the offense described by Article 58.201. (Code Crim. Proc., Art. 57B.02(h).)

Art. 58.206.  OFFENSE. (a) A public servant commits an offense if the public servant:

(1)  has access to the name, address, or telephone number of a victim 17 years of age or older who has chosen a pseudonym under this subchapter; and

(2)  knowingly discloses the name, address, or telephone number of the victim to:

(A)  a person who is not assisting in the investigation or prosecution of the offense; or

(B)  a person other than:

(i)  the defendant;

(ii)  the defendant's attorney; or

(iii)  the person specified in the order of a court.

(b)  Unless the disclosure is required or permitted by other law, a public servant or other person commits an offense if the person:

(1)  has access to or obtains the name, address, or telephone number of a victim younger than 17 years of age; and

(2)  knowingly discloses the name, address, or telephone number of the victim to:

(A)  a person who is not assisting in the investigation or prosecution of the offense; or

(B)  a person other than:

(i)  the defendant;

(ii)  the defendant's attorney; or

(iii)  a person specified in an order of a court.

(c)  It is an affirmative defense to prosecution under Subsection (b) that the actor is:

(1)  the victim; or

(2)  the victim's parent, conservator, or guardian, unless the victim's parent, conservator, or guardian allegedly committed the offense described by Article 58.201.

(d)  An offense under this article is a Class C misdemeanor. (Code Crim. Proc., Art. 57B.03.)

Art. 58.207.  APPLICABILITY OF SUBCHAPTER TO DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. (a) This subchapter does not require the Department of Family and Protective Services to use a pseudonym in a department report, file, or record relating to the abuse, neglect, or exploitation of a child or adult who may also be the subject of an offense described by Article 58.201.

(b)  To the extent permitted by law, the Department of Family and Protective Services and a department employee, as necessary in performing department duties, may disclose the name of a victim who elects to use a pseudonym under this subchapter. (Code Crim. Proc., Art. 57B.04.)

Art. 58.208.  APPLICABILITY OF SUBCHAPTER TO POLITICAL SUBDIVISIONS. This subchapter does not require a political subdivision to use a pseudonym in a report, file, or record that:

(1)  is not intended for distribution to the public; or

(2)  is not the subject of an open records request under Chapter 552, Government Code. (Code Crim. Proc., Art. 57B.05.)

SUBCHAPTER F. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF VICTIMS OF TRAFFICKING OF PERSONS

Art. 58.251.  DEFINITION. In this subchapter, "victim" means a person who is the subject of:

(1)  an offense under Section 20A.02, Penal Code; or

(2)  an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense under Section 20A.02, Penal Code. (Code Crim. Proc., Art. 57D.01(4).)

Art. 58.252.  DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a) A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this subchapter must complete a pseudonym form developed under Subsection (b) and return the form to the law enforcement agency investigating the offense.

(b)  The office of the attorney general shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim. (Code Crim. Proc., Arts. 57D.02(a), (b).)

Art. 58.253.  VICTIM INFORMATION CONFIDENTIAL. (a) A victim who completes a pseudonym form and returns the form to the law enforcement agency investigating the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.

(b)  A completed and returned pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except on an order of a court. The court finding required by Article 58.254 is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.

(c)  If a victim completes a pseudonym form and returns the form to a law enforcement agency under Article 58.252(a), the law enforcement agency receiving the form shall:

(1)  remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession;

(2)  notify the attorney representing the state of the pseudonym and that the victim has elected to be designated by the pseudonym; and

(3)  maintain the form in a manner that protects the confidentiality of the information contained on the form.

(d)  An attorney representing the state who receives notice that a victim has elected to be designated by a pseudonym shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense. (Code Crim. Proc., Arts. 57D.02(c), (d), (e), (f).)

Art. 58.254.  COURT-ORDERED DISCLOSURE OF VICTIM INFORMATION. A court may order the disclosure of a victim's name, address, and telephone number only if the court finds that the information is essential in the trial of the defendant for the offense or the identity of the victim is in issue. (Code Crim. Proc., Art. 57D.02(g).)

Art. 58.255.  DISCLOSURE OF CHILD VICTIM INFORMATION PROHIBITED. Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 18 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. This article does not apply to the release or disclosure of a victim's identifying information by:

(1)  the victim; or

(2)  the victim's parent, conservator, or guardian, unless the victim's parent, conservator, or guardian allegedly committed the offense described by Article 58.251. (Code Crim. Proc., Art. 57D.02(h).)

Art. 58.256.  OFFENSE. (a) A public servant commits an offense if the public servant:

(1)  has access to the name, address, or telephone number of a victim 18 years of age or older who has chosen a pseudonym under this subchapter; and

(2)  knowingly discloses the name, address, or telephone number of the victim to:

(A)  a person who is not assisting in the investigation or prosecution of the offense; or

(B)  a person other than:

(i)  the defendant;

(ii)  the defendant's attorney; or

(iii)  the person specified in the order of a court.

(b)  Unless the disclosure is required or permitted by other law, a public servant or other person commits an offense if the person:

(1)  has access to or obtains the name, address, or telephone number of a victim younger than 18 years of age; and

(2)  knowingly discloses the name, address, or telephone number of the victim to:

(A)  a person who is not assisting in the investigation or prosecution of the offense; or

(B)  a person other than:

(i)  the defendant;

(ii)  the defendant's attorney; or

(iii)  a person specified in an order of a court.

(c)  It is an affirmative defense to prosecution under Subsection (b) that the actor is:

(1)  the victim; or

(2)  the victim's parent, conservator, or guardian, unless the victim's parent, conservator, or guardian allegedly committed the offense described by Article 58.251.

(d)  An offense under this article is a Class C misdemeanor. (Code Crim. Proc., Art. 57D.03.)

SUBCHAPTER G. SEALING OF MEDICAL RECORDS OF CERTAIN CHILD VICTIMS

Art. 58.301.  DEFINITIONS. In this subchapter:

(1)  "Child" means a person who is younger than 18 years of age.

(2)  "Medical records" means any information used or generated by health care providers, including records relating to emergency room treatment, rehabilitation therapy, or counseling. (Code Crim. Proc., Art. 57C.01.)

Art. 58.302.  SEALING OF MEDICAL RECORDS. (a) Except as provided by Subsection (c), on a motion filed by a person described by Subsection (b), the court shall seal the medical records of a child who is a victim of an offense described by Section 1, Article 38.071.

(b)  A motion under this article may be filed on the court's own motion or by:

(1)  the attorney representing the state;

(2)  the defendant; or

(3)  the parent or guardian of the victim or, if the victim is no longer a child, the victim.

(c)  The court is not required to seal the records described by this article on a finding of good cause after a hearing held under Subsection (d).

(d)  The court shall grant the motion without a hearing unless the motion is contested not later than the seventh day after the date the motion is filed. (Code Crim. Proc., Arts. 57C.02(a), (b), (c), (d).)

Art. 58.303.  ACCESS TO SEALED MEDICAL RECORDS. Medical records sealed under this subchapter are not open for inspection by any person except:

(1)  on further order of the court after:

(A)  notice to a parent or guardian of the victim whose information is sealed or, if the victim is no longer a child, notice to the victim; and

(B)  a finding of good cause;

(2)  in connection with a criminal or civil proceeding as otherwise provided by law; or

(3)  on request of a parent or legal guardian of the victim whose information is sealed or, if the victim is no longer a child, on request of the victim. (Code Crim. Proc., Art. 57C.02(e).)

Art. 58.304.  LIABILITY. Except on a showing of bad faith, a clerk of the court is not liable for any failure to seal medical records after the court grants a motion under this subchapter. (Code Crim. Proc., Art. 57C.02(f).)

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01.  Section 101.005(d), Business & Commerce Code, is amended to read as follows:

(d)  A penalty collected under this section by the attorney general or a district or county attorney shall be deposited in the state treasury to the credit of the compensation to victims of crime fund established under Subchapter J, Chapter 56B [~~Article 56.54~~], Code of Criminal Procedure.

SECTION 2.02.  Section 140A.110(c), Civil Practice and Remedies Code, is amended to read as follows:

(c)  The first $10 million, after any costs of suit described by Subsection (b), that is paid to the state under this chapter in a fiscal year shall be dedicated to the compensation to victims of crime fund described by Subchapter J, Chapter 56B [~~Article 56.54~~], Code of Criminal Procedure.

SECTION 2.03.  Section 154.023(c), Civil Practice and Remedies Code, is amended to read as follows:

(c)  Mediation includes victim-offender mediation by the Texas Department of Criminal Justice described in Article 56A.602 [~~56.13~~], Code of Criminal Procedure.

SECTION 2.04.  Section 154.073(g), Civil Practice and Remedies Code, is amended to read as follows:

(g)  This section applies to a victim-offender mediation by the Texas Department of Criminal Justice as described in Article 56A.602 [~~56.13~~], Code of Criminal Procedure.

SECTION 2.05.  Article 2.13951(e), Code of Criminal Procedure, is amended to read as follows:

(e)  A civil penalty collected under this article shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter J [~~B~~], Chapter 56B [~~56~~].

SECTION 2.06.  Article 2.21(f-1), Code of Criminal Procedure, is amended to read as follows:

(f-1)  Notwithstanding Section 263.156, Local Government Code, or any other law, the commissioners court shall remit 50 percent of any proceeds of the disposal of an eligible exhibit as surplus or salvage property as described by Subsection (f), less the reasonable expense of keeping the exhibit before disposal and the costs of that disposal, to each of the following:

(1)  the county treasury, to be used only to defray the costs incurred by the district clerk of the county for the management, maintenance, or destruction of eligible exhibits in the county; and

(2)  the state treasury to the credit of the compensation to victims of crime fund established under Subchapter J [~~B~~], Chapter 56B [~~56~~].

SECTION 2.07.  Article 2.31, Code of Criminal Procedure, as added by Chapter 176 (S.B. 604), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

Art. 2.31.  COUNTY JAILERS. If a jailer licensed under Chapter 1701, Occupations Code, has successfully completed a training program provided by the sheriff, the jailer may execute lawful process issued to the jailer by any magistrate or court on a person confined in the jail at which the jailer is employed to the same extent that a peace officer is authorized to execute process under Article 2.13(b)(2), including:

(1)  a warrant under Chapter 15, 17, or 18;

(2)  a capias under Chapter 17 or 23;

(3)  a subpoena under Chapter 20A [~~20~~] or 24; or

(4)  an attachment under Chapter 20A [~~20~~] or 24.

SECTION 2.08.  Article 2.31, Code of Criminal Procedure, as added by Chapter 1341 (S.B. 1233), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

Art. 2.31.  COUNTY JAILERS. A jailer licensed under Chapter 1701, Occupations Code, may execute lawful process issued to the jailer by any magistrate or court on a person confined in the jail at which the jailer is employed to the same extent that a peace officer is authorized to execute process under Article 2.13(b)(2), including:

(1)  a warrant under Chapter 15, 17, or 18;

(2)  a capias under Chapter 17 or 23;

(3)  a subpoena under Chapter 20A [~~20~~] or 24; or

(4)  an attachment under Chapter 20A [~~20~~] or 24.

SECTION 2.09.  Article 26.13(e), Code of Criminal Procedure, is amended to read as follows:

(e)  Before accepting a plea of guilty or a plea of nolo contendere, the court shall, as applicable in the case:

(1)  inquire as to whether a victim impact statement has been returned to the attorney representing the state and ask for a copy of the statement if one has been returned; and

(2)  inquire as to whether the attorney representing the state has given notice of the existence and terms of any plea bargain agreement to the victim, guardian of a victim, or close relative of a deceased victim, as those terms are defined by Article 56A.001 [~~56.01~~].

SECTION 2.10.  Article 36.03(d)(1), Code of Criminal Procedure, is amended to read as follows:

(1)  "Close relative of a deceased victim" and "guardian of a victim" have the meanings assigned by Article 56A.001 [~~56.01~~].

SECTION 2.11.  Sections 4(c) and (d), Article 38.11, Code of Criminal Procedure, are amended to read as follows:

(c)  Notwithstanding Subsection (b), if the information, document, or item was disclosed or received in violation of a grand jury oath given to either a juror or a witness under Article 19A.202 [~~19.34~~] or 20A.256 [~~20.16~~], a journalist may be compelled to testify if the person seeking the testimony, production, or disclosure makes a clear and specific showing that the subpoenaing party has exhausted reasonable efforts to obtain from alternative sources the confidential source of any information, document, or item obtained. In this context, the court has the discretion to conduct an in camera hearing. The court may not order the production of the confidential source until a ruling has been made on the motion.

(d)  An application for a subpoena of a journalist under Article 24.03, or a subpoena of a journalist issued by an attorney representing the state under Article 20A.251 [~~20.10~~] or 20A.252 [~~20.11~~], must be signed by the elected district attorney, elected criminal district attorney, or elected county attorney, as applicable.  If the elected district attorney, elected criminal district attorney, or elected county attorney has been disqualified or recused or has resigned, the application for the subpoena or the subpoena must be signed by the person succeeding the elected attorney.  If the elected officer is not in the jurisdiction, the highest ranking assistant to the elected officer must sign the subpoena.

SECTION 2.12.  Section 11, Article 42.01, Code of Criminal Procedure, is amended to read as follows:

Sec. 11.  In addition to the information described by Section 1, the judgment should reflect whether a victim impact statement was returned to the attorney representing the state pursuant to Article 56A.157(a) [~~56.03(e)~~].

SECTION 2.13.  Section 1(b), Article 42.03, Code of Criminal Procedure, is amended to read as follows:

(b)  The court shall permit a victim, close relative of a deceased victim, or guardian of a victim, as defined by Article 56A.001 [~~56.01 of this code~~], to appear in person to present to the court and to the defendant a statement of the person's views about the offense, the defendant, and the effect of the offense on the victim. The victim, relative, or guardian may not direct questions to the defendant while making the statement. The court reporter may not transcribe the statement. The statement must be made:

(1)  after punishment has been assessed and the court has determined whether or not to grant community supervision in the case;

(2)  after the court has announced the terms and conditions of the sentence; and

(3)  after sentence is pronounced.

SECTION 2.14.  Articles 42.037(a) and (i), Code of Criminal Procedure, are amended to read as follows:

(a)  In addition to any fine authorized by law, the court that sentences a defendant convicted of an offense may order the defendant to make restitution to any victim of the offense or to the compensation to victims of crime fund established under Subchapter J [~~B~~], Chapter 56B [~~56~~], to the extent that fund has paid compensation to or on behalf of the victim.  If the court does not order restitution or orders partial restitution under this subsection, the court shall state on the record the reasons for not making the order or for the limited order.

(i)  In addition to any other terms and conditions of community supervision imposed under Chapter 42A, the court may require a defendant to reimburse the compensation to victims of crime fund created under Subchapter J [~~B~~], Chapter 56B [~~56~~], for any amounts paid from that fund to or on behalf of a victim of the defendant's offense.  In this subsection, "victim" has the meaning assigned by Article 56B.003 [~~56.32~~].

SECTION 2.15.  Section 8(a), Article 42.09, Code of Criminal Procedure, is amended to read as follows:

(a)  A county that transfers a defendant to the Texas Department of Criminal Justice under this article shall deliver to an officer designated by the department:

(1)  a copy of the judgment entered pursuant to Article 42.01, completed on a standardized felony judgment form described by Section 4 of that article;

(2)  a copy of any order revoking community supervision and imposing sentence pursuant to Article 42A.755, including:

(A)  any amounts owed for restitution, fines, and court costs, completed on a standardized felony judgment form described by Section 4, Article 42.01; and

(B)  a copy of the client supervision plan prepared for the defendant by the community supervision and corrections department supervising the defendant, if such a plan was prepared;

(3)  a written report that states the nature and the seriousness of each offense and that states the citation to the provision or provisions of the Penal Code or other law under which the defendant was convicted;

(4)  a copy of the victim impact statement, if one has been prepared in the case under Subchapter D, Chapter 56A [~~Article 56.03~~];

(5)  a statement as to whether there was a change in venue in the case and, if so, the names of the county prosecuting the offense and the county in which the case was tried;

(6)  if requested, information regarding the criminal history of the defendant, including the defendant's state identification number if the number has been issued;

(7)  a copy of the indictment or information for each offense;

(8)  a checklist sent by the department to the county and completed by the county in a manner indicating that the documents required by this subsection and Subsection (c) accompany the defendant;

(9)  if prepared, a copy of a presentence or postsentence report prepared under Subchapter F, Chapter 42A;

(10)  a copy of any detainer, issued by an agency of the federal government, that is in the possession of the county and that has been placed on the defendant;

(11)  if prepared, a copy of the defendant's Texas Uniform Health Status Update Form; and

(12)  a written description of a hold or warrant, issued by any other jurisdiction, that the county is aware of and that has been placed on or issued for the defendant.

SECTION 2.16.  Section 1(4), Article 42.22, Code of Criminal Procedure, is amended to read as follows:

(4)  "Victim" means:

(A)  a "close relative of a deceased victim," "guardian of a victim," or "victim," as those terms are defined by Article 56A.001 [~~56.01 of this code~~]; or

(B)  an individual who suffers damages as a result of another committing an offense under Section 38.04, Penal Code, in which the defendant used a motor vehicle while the defendant was in flight.

SECTION 2.17.  Article 42A.301(b), Code of Criminal Procedure, is amended to read as follows:

(b)  Conditions of community supervision may include conditions requiring the defendant to:

(1)  commit no offense against the laws of this state or of any other state or of the United States;

(2)  avoid injurious or vicious habits;

(3)  avoid persons or places of disreputable or harmful character, including any person, other than a family member of the defendant, who is an active member of a criminal street gang;

(4)  report to the supervision officer as directed by the judge or supervision officer and obey all rules and regulations of the community supervision and corrections department;

(5)  permit the supervision officer to visit the defendant at the defendant's home or elsewhere;

(6)  work faithfully at suitable employment to the extent possible;

(7)  remain within a specified place;

(8)  pay in one or more amounts:

(A)  the defendant's fine, if one is assessed; and

(B)  all court costs, regardless of whether a fine is assessed;

(9)  support the defendant's dependents;

(10)  participate, for a period specified by the judge, in any community-based program, including a community service project under Article 42A.304;

(11)  if the judge determines that the defendant has financial resources that enable the defendant to offset in part or in whole the costs of the legal services provided to the defendant in accordance with Article 1.051(c) or (d), including any expenses and costs, reimburse the county in which the prosecution was instituted for the costs of the legal services in an amount that the judge finds the defendant is able to pay, except that the defendant may not be ordered to pay an amount that exceeds:

(A)  the actual costs, including any expenses and costs, paid by the county for the legal services provided by an appointed attorney; or

(B)  if the defendant was represented by a public defender's office, the actual amount, including any expenses and costs, that would have otherwise been paid to an appointed attorney had the county not had a public defender's office;

(12)  if under custodial supervision in a community corrections facility:

(A)  remain under that supervision;

(B)  obey all rules and regulations of the facility; and

(C)  pay a percentage of the defendant's income to:

(i)  the facility for room and board; and

(ii)  the defendant's dependents for their support during the period of custodial supervision;

(13)  submit to testing for alcohol or controlled substances;

(14)  attend counseling sessions for substance abusers or participate in substance abuse treatment services in a program or facility approved or licensed by the Department of State Health Services;

(15)  with the consent of the victim of a misdemeanor offense or of any offense under Title 7, Penal Code, participate in victim-defendant mediation;

(16)  submit to electronic monitoring;

(17)  reimburse the compensation to victims of crime fund for any amounts paid from that fund to or on behalf of a victim, as defined by Article 56B.003 [~~56.32~~], of the offense or if no reimbursement is required, make one payment to the compensation to victims of crime fund in an amount not to exceed $50 if the offense is a misdemeanor or not to exceed $100 if the offense is a felony;

(18)  reimburse a law enforcement agency for the analysis, storage, or disposal of raw materials, controlled substances, chemical precursors, drug paraphernalia, or other materials seized in connection with the offense;

(19)  pay all or part of the reasonable and necessary costs incurred by the victim for psychological counseling made necessary by the offense or for counseling and education relating to acquired immune deficiency syndrome or human immunodeficiency virus made necessary by the offense;

(20)  make one payment in an amount not to exceed $50 to a crime stoppers organization, as defined by Section 414.001, Government Code, and as certified by the Texas Crime Stoppers Council;

(21)  submit a DNA sample to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record of the defendant;

(22)  in any manner required by the judge, provide in the county in which the offense was committed public notice of the offense for which the defendant was placed on community supervision; and

(23)  reimburse the county in which the prosecution was instituted for compensation paid to any interpreter in the case.

SECTION 2.18.  Article 46C.003, Code of Criminal Procedure, is amended to read as follows:

Art. 46C.003.  VICTIM NOTIFICATION OF RELEASE.  If the court issues an order that requires the release of an acquitted person on discharge or on a regimen of outpatient care, the clerk of the court issuing the order, using the information provided on any victim impact statement received by the court under Subchapter D, Chapter 56A [~~Article 56.03~~] or other information made available to the court, shall notify the victim or the victim's guardian or close relative of the release. Notwithstanding Article 56A.156 [~~56.03(f)~~], the clerk of the court may inspect a victim impact statement for the purpose of notification under this article. On request, a victim assistance coordinator may provide the clerk of the court with information or other assistance necessary for the clerk to comply with this article.

SECTION 2.19.  Article 59.06(k)(3), Code of Criminal Procedure, is amended to read as follows:

(3)  The attorney general shall deposit the money or proceeds from the sale of the property into an escrow account. The money in the account is available to satisfy a judgment against the person who committed the crime in favor of a victim of the crime if the judgment is for damages incurred by the victim caused by the commission of the crime. The attorney general shall transfer the money in the account that has not been ordered paid to a victim in satisfaction of a judgment to the compensation to victims of crime fund on the fifth anniversary of the date the account was established. In this subsection, "victim" has the meaning assigned by Article 56B.003 [~~56.32~~].

SECTION 2.20.  Article 59.13(a), Code of Criminal Procedure, is amended to read as follows:

(a)  The attorney representing the state may disclose information to the primary state or federal financial institution regulator, including grand jury information or otherwise confidential information, relating to any action contemplated or brought under this chapter that involves property consisting of a depository account in a regulated financial institution or assets held by a regulated financial institution as security for an obligation owed to a regulated financial institution. An attorney representing the state who discloses information as permitted by this subsection is not subject to contempt under Subchapter E, Chapter 20A, [~~Article 20.02~~] for that disclosure.

SECTION 2.21.  Article 62.0061(d), Code of Criminal Procedure, is amended to read as follows:

(d)  A commercial social networking site that uses information received under Subsection (a) in any manner not described by Subsection (c)(1) or that violates a rule adopted by the department under Subsection (b) is subject to a civil penalty of $1,000 for each misuse of information or rule violation.  A commercial social networking site that is assessed a civil penalty under this article shall pay, in addition to the civil penalty, all court costs, investigative costs, and attorney's fees associated with the assessment of the penalty.  A civil penalty assessed under this subsection shall be deposited to the compensation to victims of crime fund established under Subchapter J [~~B~~], Chapter 56B [~~56~~].

SECTION 2.22.  Article 63.065(b), Code of Criminal Procedure, is amended to read as follows:

(b)  Notwithstanding Article 56B.453(a) [~~56.54(g)~~], the legislature may appropriate money in the compensation to victims of crime fund and the compensation to victims of crime auxiliary fund to fund the University of North Texas Health Science Center at Fort Worth missing persons DNA database.  Legislative appropriations under this subsection shall be deposited to the credit of the account created under Subsection (a).

SECTION 2.23.  Sections 96.65(a)(1), (2), and (4), Education Code, are amended to read as follows:

(1)  "Close relative of a deceased victim" has the meaning assigned by Article 56A.001 [~~56.01~~], Code of Criminal Procedure.

(2)  "Guardian of a victim" has the meaning assigned by Article 56A.001 [~~56.01~~], Code of Criminal Procedure.

(4)  "Victim" has the meaning assigned by Article 56A.001 [~~56.01~~], Code of Criminal Procedure.

SECTION 2.24.  Section 96.651(a)(2), Education Code, is amended to read as follows:

(2)  "Victim" has the meaning assigned by Article 56A.001 [~~56.01~~], Code of Criminal Procedure.

SECTION 2.25.  Section 13.002(e), Election Code, is amended to read as follows:

(e)  A person who is certified for participation in the address confidentiality program administered by the attorney general under Subchapter B [~~C~~], Chapter 58 [~~56~~], Code of Criminal Procedure, is not eligible for early voting by mail under Section 82.007 unless the person submits an application under this section by personal delivery.  The secretary of state may adopt rules to implement this subsection.

SECTION 2.26.  Section 13.004(c), Election Code, is amended to read as follows:

(c)  The following information furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552, Government Code:

(1)  a social security number;

(2)  a Texas driver's license number;

(3)  a number of a personal identification card issued by the Department of Public Safety;

(4)  an indication that an applicant is interested in working as an election judge;

(5)  the residence address of the applicant, if the applicant is a federal judge or state judge, as defined by Section 13.0021, the spouse of a federal judge or state judge, or an individual to whom Section 552.1175, Government Code, applies and the applicant:

(A)  included an affidavit with the registration application describing the applicant's status under this subdivision, including an affidavit under Section 13.0021 if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge;

(B)  provided the registrar with an affidavit describing the applicant's status under this subdivision, including an affidavit under Section 15.0215 if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge; or

(C)  provided the registrar with a completed form approved by the secretary of state for the purpose of notifying the registrar of the applicant's status under this subdivision;

(6)  the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence as defined by Section 71.004, Family Code, who provided the registrar with:

(A)  a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B)  other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence;

(7)  the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons who provided the registrar with:

(A)  a copy of a protective order issued under Subchapter A or B, Chapter 7B [~~7A or Article 6.09~~], Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B)  other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons; or

(8)  the residence address of the applicant, if the applicant:

(A)  is a participant in the address confidentiality program administered by the attorney general under Subchapter B [~~C~~], Chapter 58 [~~56~~], Code of Criminal Procedure; and

(B)  provided the registrar with proof of certification under Article 58.059 [~~56.84~~], Code of Criminal Procedure.

SECTION 2.27.  Section 18.0051, Election Code, is amended to read as follows:

Sec. 18.0051.  CONTENTS OF LIST: SUBSTITUTE ADDRESS. An original or supplemental list of registered voters must contain a voter's substitute post office box address designated by the attorney general under Article 58.052(b) [~~56.82(b)~~], Code of Criminal Procedure, for use by the voter in place of the voter's true residential, business, or school address if the voter is eligible for early voting by mail under Section 82.007 and has submitted an early voting ballot application as required by Section 84.0021.

SECTION 2.28.  Section 82.007, Election Code, is amended to read as follows:

Sec. 82.007.  PARTICIPATION IN ADDRESS CONFIDENTIALITY PROGRAM. A qualified voter is eligible for early voting by mail if:

(1)  the voter submitted a registration application by personal delivery as required by Section 13.002(e); and

(2)  at the time the voter's early voting ballot application is submitted, the voter is certified for participation in the address confidentiality program administered by the attorney general under Subchapter B [~~C~~], Chapter 58 [~~56~~], Code of Criminal Procedure.

SECTION 2.29.  Section 84.0021(a), Election Code, is amended to read as follows:

(a)  An early voting ballot application submitted by a qualified voter who is eligible for early voting by mail under Section 82.007 must include:

(1)  the applicant's name and address at which the applicant is registered to vote;

(2)  the substitute post office box address designated by the attorney general under Article 58.052(b) [~~56.82(b)~~], Code of Criminal Procedure, for use by the voter in place of the voter's true residential, business, or school address; and

(3)  an indication of each election for which the applicant is applying for a ballot.

SECTION 2.30.  Section 6.405(a), Family Code, is amended to read as follows:

(a)  The petition in a suit for dissolution of a marriage must state whether, in regard to a party to the suit or a child of a party to the suit:

(1)  there is in effect:

(A)  a protective order under Title 4;

(B)  a protective order under Subchapter A, Chapter 7B [~~7A~~], Code of Criminal Procedure; or

(C)  an order for emergency protection under Article 17.292, Code of Criminal Procedure; or

(2)  an application for an order described by Subdivision (1) is pending.

SECTION 2.31.  Section 51.17(h), Family Code, is amended to read as follows:

(h)  Articles 58.001, 58.101, 58.102, 58.103, 58.104, 58.105, [~~57.01~~] and 58.106 [~~57.02~~], Code of Criminal Procedure, relating to the use of a pseudonym by a victim in a criminal case, apply in a proceeding held under this title.

SECTION 2.32.  Section 57.002, Family Code, is amended to read as follows:

Sec. 57.002.  VICTIM'S RIGHTS. (a)  A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the juvenile justice system:

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

(2)  the right to have the court or person appointed by the court take the safety of the victim or the victim's family into consideration as an element in determining whether the child should be detained before the child's conduct is adjudicated;

(3)  the right, if requested, to be informed of relevant court proceedings, including appellate proceedings, and to be informed in a timely manner if those court proceedings have been canceled or rescheduled;

(4)  the right to be informed, when requested, by the court or a person appointed by the court concerning the procedures in the juvenile justice system, including general procedures relating to:

(A)  the preliminary investigation and deferred prosecution of a case; and

(B)  the appeal of the case;

(5)  the right to provide pertinent information to a juvenile court conducting a disposition hearing concerning the impact of the offense on the victim and the victim's family by testimony, written statement, or any other manner before the court renders its disposition;

(6)  the right to receive information regarding compensation to victims as provided by [~~Subchapter B,~~] Chapter 56B [~~56~~], Code of Criminal Procedure, including information related to the costs that may be compensated under that chapter [~~subchapter~~] and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that chapter [~~subchapter~~], the payment of medical expenses under Subchapter F, Chapter 56A [~~Section 56.06~~], Code of Criminal Procedure, for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

(7)  the right to be informed, upon request, of procedures for release under supervision or transfer of the person to the custody of the Texas Department of Criminal Justice for parole, to participate in the release or transfer for parole process, to be notified, if requested, of the person's release, escape, or transfer for parole proceedings concerning the person, to provide to the Texas Juvenile Justice Department for inclusion in the person's file information to be considered by the department before the release under supervision or transfer for parole of the person, and to be notified, if requested, of the person's release or transfer for parole;

(8)  the right to be provided with a waiting area, separate or secure from other witnesses, including the child alleged to have committed the conduct and relatives of the child, before testifying in any proceeding concerning the child, or, if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the child and the child's relatives and witnesses, before and during court proceedings;

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

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

(11)  the right to be present at all public court proceedings related to the conduct of the child as provided by Section 54.08, subject to that section; and

(12)  any other right appropriate to the victim that a victim of criminal conduct has under Subchapter B, Chapter 56A [~~Article 56.02 or 56.021~~], Code of Criminal Procedure.

(b)  In notifying a victim of the release or escape of a person, the Texas Juvenile Justice Department shall use the same procedure established for the notification of the release or escape of an adult offender under Subchapter K, Chapter 56A [~~Article 56.11~~], Code of Criminal Procedure.

SECTION 2.33.  Section 57.003(d), Family Code, is amended to read as follows:

(d)  The victim assistance coordinator shall ensure that at a minimum, a victim, guardian of a victim, or close relative of a deceased victim receives:

(1)  a written notice of the rights outlined in Section 57.002;

(2)  an application for compensation under the Crime Victims' Compensation Act ([~~Subchapter B,~~] Chapter 56B [~~56~~], Code of Criminal Procedure); and

(3)  a victim impact statement with information explaining the possible use and consideration of the victim impact statement at detention, adjudication, and release proceedings involving the juvenile.

SECTION 2.34.  Section 57.0031, Family Code, is amended to read as follows:

Sec. 57.0031.  NOTIFICATION OF RIGHTS OF VICTIMS OF JUVENILES. At the initial contact or at the earliest possible time after the initial contact between the victim of a reported crime and the juvenile probation office having the responsibility for the disposition of the juvenile, the office shall provide the victim a written notice:

(1)  containing information about the availability of emergency and medical services, if applicable;

(2)  stating that the victim has the right to receive information regarding compensation to victims of crime as provided by the Crime Victims' Compensation Act ([~~Subchapter B,~~] Chapter 56B [~~56~~], Code of Criminal Procedure), including information about:

(A)  the costs that may be compensated and the amount of compensation, eligibility for compensation, and procedures for application for compensation;

(B)  the payment for a medical examination for a victim of a sexual assault; and

(C)  referral to available social service agencies that may offer additional assistance;

(3)  stating the name, address, and phone number of the victim assistance coordinator for victims of juveniles;

(4)  containing the following statement: "You may call the crime victim assistance coordinator for the status of the case and information about victims' rights.";

(5)  stating the rights of victims of crime under Section 57.002;

(6)  summarizing each procedural stage in the processing of a juvenile case, including preliminary investigation, detention, informal adjustment of a case, disposition hearings, release proceedings, restitution, and appeals;

(7)  suggesting steps the victim may take if the victim is subjected to threats or intimidation;

(8)  stating the case number and assigned court for the case; and

(9)  stating that the victim has the right to file a victim impact statement and to have it considered in juvenile proceedings.

SECTION 2.35.  Section 85.025(b-3), Family Code, is amended to read as follows:

(b-3)  Subsection (b) does not apply to a protective order issued under Subchapter A, Chapter 7B [~~7A~~], Code of Criminal Procedure.

SECTION 2.36.  Section 102.008(b), Family Code, is amended to read as follows:

(b)  The petition must include:

(1)  a statement that the court in which the petition is filed has continuing, exclusive jurisdiction or that no court has continuing jurisdiction of the suit;

(2)  the name and date of birth of the child, except that if adoption of a child is requested, the name of the child may be omitted;

(3)  the full name of the petitioner and the petitioner's relationship to the child or the fact that no relationship exists;

(4)  the names of the parents, except in a suit in which adoption is requested;

(5)  the name of the managing conservator, if any, or the child's custodian, if any, appointed by order of a court of another state or country;

(6)  the names of the guardians of the person and estate of the child, if any;

(7)  the names of possessory conservators or other persons, if any, having possession of or access to the child under an order of the court;

(8)  the name of an alleged father of the child or a statement that the identity of the father of the child is unknown;

(9)  a full description and statement of value of all property owned or possessed by the child;

(10)  a statement describing what action the court is requested to take concerning the child and the statutory grounds on which the request is made;

(11)  a statement as to whether, in regard to a party to the suit or a child of a party to the suit:

(A)  there is in effect:

(i)  a protective order under Title 4;

(ii)  a protective order under Subchapter A, Chapter 7B [~~7A~~], Code of Criminal Procedure; or

(iii)  an order for emergency protection under Article 17.292, Code of Criminal Procedure; or

(B)  an application for an order described by Paragraph (A) is pending; and

(12)  any other information required by this title.

SECTION 2.37.  Section 160.6035(a), Family Code, is amended to read as follows:

(a)  The petition in a proceeding to adjudicate parentage must include a statement as to whether, in regard to a party to the proceeding or a child of a party to the proceeding:

(1)  there is in effect:

(A)  a protective order under Title 4;

(B)  a protective order under Subchapter A, Chapter 7B [~~7A~~], Code of Criminal Procedure; or

(C)  an order for emergency protection under Article 17.292, Code of Criminal Procedure; or

(2)  an application for an order described by Subdivision (1) is pending.

SECTION 2.38.  Section 41.310(c), Government Code, is amended to read as follows:

(c)  The counsellor, in consultation with the board of directors, shall notify the foreperson [~~foreman~~] of the appropriate grand jury, in the manner provided by Article 20A.051 [~~20.09~~], Code of Criminal Procedure, if:

(1)  the counsellor receives credible evidence of illegal or improper conduct by Texas Juvenile Justice Department officers, employees, or contractors that the counsellor reasonably believes jeopardizes the health, safety, and welfare of children in the custody of that department;

(2)  the counsellor reasonably believes the conduct:

(A)  could constitute an offense described by Article 104.003(a), Code of Criminal Procedure; and

(B)  involves the alleged physical or sexual abuse of a child in the custody of a Texas Juvenile Justice Department facility or an investigation related to the alleged abuse; and

(3)  the counsellor has reason to believe that information concerning the conduct has not previously been presented to the appropriate grand jury.

SECTION 2.39.  Section 53.002(g), Government Code, is amended to read as follows:

(g)  The judge of each district court in Tarrant County that gives preference to criminal cases and the judge of each criminal district court in Tarrant County may appoint two persons to serve as bailiffs. Notwithstanding Section 53.071 or Article 19A.301 [~~19.36~~], Code of Criminal Procedure, the district judges of the courts in Tarrant County that give preference to criminal cases and the criminal district courts in Tarrant County may appoint one bailiff for each grand jury.

SECTION 2.40.  Section 61.003(a), Government Code, is amended to read as follows:

(a)  Each person who reports for jury service shall be personally provided a form letter that when signed by the person directs the county treasurer to donate all, or a specific amount designated by the person, of the person's daily reimbursement under this chapter to:

(1)  the compensation to victims of crime fund established under Subchapter J [~~B~~], Chapter 56B [~~56~~], Code of Criminal Procedure;

(2)  the child welfare, child protective services, or child services board of the county appointed under Section 264.005, Family Code, that serves abused and neglected children;

(3)  any program selected by the commissioners court that is operated by a public or private nonprofit organization and that provides shelter and services to victims of family violence;

(4)  any other program approved by the commissioners court of the county, including a program established under Article 56A.205 [~~56.04(f)~~], Code of Criminal Procedure, that offers psychological counseling in criminal cases involving graphic evidence or testimony; or

(5)  a veterans court program established by the commissioners court as provided by Chapter 124.

SECTION 2.41.  Section 76.016, Government Code, is amended to read as follows:

Sec. 76.016.  VICTIM NOTIFICATION. (a) A department, using the name and address provided by the attorney representing the state under Article 56A.454(b) [~~56.08(d)~~], Code of Criminal Procedure, shall immediately notify a victim of the defendant's crime or, if the victim has a guardian or is deceased, notify the guardian of the victim or close relative of the deceased victim of:

(1)  the fact that the defendant has been placed on community supervision;

(2)  the conditions of community supervision imposed on the defendant by the court; and

(3)  the date, time, and location of any hearing or proceeding at which the conditions of the defendant's community supervision may be modified or the defendant's placement on community supervision may be revoked or terminated.

(b)  In this section, "close relative of a deceased victim," "guardian of a victim," and "victim" have the meanings assigned by Article 56A.001 [~~56.01~~], Code of Criminal Procedure.

SECTION 2.42.  Section 402.0213(a), Government Code, is amended to read as follows:

(a)  The office of the attorney general may use videoconferencing technology:

(1)  as a substitute for personal appearances in civil and criminal proceedings, as approved by the court; and

(2)  for any proceeding, conference, or training conducted by an employee of the office of the attorney general whose duties include the implementation of Chapters 56A and 56B and Subchapter B, Chapter 58 [~~56~~], Code of Criminal Procedure, and Chapter 57, Family Code.

SECTION 2.43.  Section 402.038(b), Government Code, is amended to read as follows:

(b)  To address matters related to border security and organized crime, the transnational and organized crime division shall:

(1)  establish within the division a prosecution unit to provide critical assistance to local prosecutors;

(2)  using existing funds, establish within the division a trafficking of persons unit to:

(A)  assist local law enforcement agencies and local prosecutors in investigating and prosecuting trafficking of persons and related crimes; and

(B)  work with the appropriate local and state agencies to identify victims of trafficking of persons and to provide the types of assistance available for those victims under Chapters 56A and 56B and Subchapter B, Chapter 58 [~~56~~], Code of Criminal Procedure; and

(3)  develop initiatives to provide greater state assistance, support, and coordination among state law enforcement agencies, local law enforcement agencies, and local prosecutors.

SECTION 2.44.  Section 411.209(e), Government Code, is amended to read as follows:

(e)  A civil penalty collected by the attorney general under this section shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter J [~~B~~], Chapter 56B [~~56~~], Code of Criminal Procedure.

SECTION 2.45.  Section 420.051, Government Code, is amended to read as follows:

Sec. 420.051.  ADVOCATES FOR SURVIVORS OF SEXUAL ASSAULT.  An individual may act as an advocate for survivors of sexual assault for the purposes of Subchapter H, Chapter 56A [~~Article 56.045~~], Code of Criminal Procedure, if the individual has completed a sexual assault training program certified by the attorney general and is an employee or volunteer of a sexual assault program.

SECTION 2.46.  Section 495.027(c), Government Code, is amended to read as follows:

(c)  The department shall transfer 50 percent of all commissions paid to the department by a vendor under this section to the compensation to victims of crime fund established by Subchapter J [~~B~~], Chapter 56B [~~56~~], Code of Criminal Procedure, and the other 50 percent to the credit of the undedicated portion of the general revenue fund, except that the department shall transfer the first $10 million of the commissions collected in any given year under a contract awarded under this section to the compensation to victims of crime fund established by Subchapter J [~~B~~], Chapter 56B [~~56~~], Code of Criminal Procedure. This section does not reduce any appropriation to the department.

SECTION 2.47.  Section 501.174, Government Code, is amended to read as follows:

Sec. 501.174.  DEPARTMENT TO ADOPT POLICY. The department shall adopt a policy providing for:

(1)  a designated administrator at each correctional facility to post information throughout the facility describing how an inmate may confidentially contact the ombudsperson regarding a sexual assault;

(2)  an inmate to write a confidential letter to the ombudsperson regarding a sexual assault;

(3)  employees at correctional facilities, on notification of the occurrence of a sexual assault, to immediately:

(A)  contact the ombudsperson and the office of the inspector general; and

(B)  ensure that the alleged victim is safe;

(4)  the office of the inspector general, at the time the office is notified of the sexual assault, to arrange for a medical examination of the alleged victim to be conducted in accordance with Subchapter F, Chapter 56A [~~Article 56.06~~], Code of Criminal Procedure, or, if an appropriate employee of the office of the inspector general is not available at the time the office is notified of the sexual assault, a qualified employee at the correctional facility to conduct a medical examination of the alleged victim in accordance with that subchapter [~~Article 56.06, Code of Criminal Procedure~~];

(5)  a grievance proceeding under Section 501.008 based on an alleged sexual assault to be exempt from any deadline applicable to grievances initiated under that section; and

(6)  each correctional facility to collect statistics on all alleged sexual assaults against inmates confined in the facility and to report the statistics to the ombudsperson.

SECTION 2.48.  Section 508.191(c), Government Code, is amended to read as follows:

(c)  In this section, "victim" has the meaning assigned by Article 56A.001 [~~56.01(3)~~], Code of Criminal Procedure.

SECTION 2.49.  Sections 552.132(a), (c), and (d), Government Code, are amended to read as follows:

(a)  Except as provided by Subsection (d), in this section, "crime victim or claimant" means a victim or claimant under [~~Subchapter B,~~] Chapter 56B [~~56~~], Code of Criminal Procedure, who has filed an application for compensation under that chapter [~~subchapter~~].

(c)  If the crime victim or claimant is awarded compensation under Article 56B.103 or 56B.104 [~~Section 56.34~~], Code of Criminal Procedure, as of the date of the award of compensation, the name of the crime victim or claimant and the amount of compensation awarded to that crime victim or claimant are public information and are not excepted from the requirements of Section 552.021.

(d)  An employee of a governmental body who is also a victim under [~~Subchapter B,~~] Chapter 56B [~~56~~], Code of Criminal Procedure, regardless of whether the employee has filed an application for compensation under that chapter [~~subchapter~~], may elect whether to allow public access to information held by the attorney general's office or other governmental body that would identify or tend to identify the victim, including a photograph or other visual representation of the victim.  An election under this subsection must be made in writing on a form developed by the governmental body, be signed by the employee, and be filed with the governmental body before the third anniversary of the latest to occur of one of the following:

(1)  the date the crime was committed;

(2)  the date employment begins; or

(3)  the date the governmental body develops the form and provides it to employees.

SECTION 2.50.  Sections 552.1325(a)(1) and (2), Government Code, are amended to read as follows:

(1)  "Crime victim" means a person who is a victim as defined by Article 56B.003 [~~56.32~~], Code of Criminal Procedure.

(2)  "Victim impact statement" means a victim impact statement under Subchapter D, Chapter 56A [~~Article 56.03~~], Code of Criminal Procedure.

SECTION 2.51.  Section 752.056(d), Government Code, is amended to read as follows:

(d)  A civil penalty collected under this section shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter J [~~B~~], Chapter 56B [~~56~~], Code of Criminal Procedure.

SECTION 2.52.  Section 2009.053(a), Government Code, is amended to read as follows:

(a)  A governmental body may appoint a governmental officer or employee or a private individual to serve as an impartial third party in an alternative dispute resolution procedure. The governmental body's appointment of the impartial third party is subject to the approval of the parties, except:

(1)  that when a State Office of Administrative Hearings administrative law judge has issued an order referring a case involving a state agency to an alternative dispute resolution procedure under Section 2003.042(a)(5), the administrative law judge may appoint the impartial third party for the parties if they cannot agree on an impartial third party within a reasonable period; or

(2)  for a victim-offender mediation by the Texas Department of Criminal Justice as described in Article 56A.602 [~~56.13~~], Code of Criminal Procedure.

SECTION 2.53.  Section 181.059, Health and Safety Code, is amended to read as follows:

Sec. 181.059.  CRIME VICTIM COMPENSATION. This chapter does not apply to any person or entity in connection with providing, administering, supporting, or coordinating any of the benefits regarding compensation to victims of crime as provided by [~~Subchapter B,~~] Chapter 56B [~~56~~], Code of Criminal Procedure.

SECTION 2.54.  Section 323.004(b), Health and Safety Code, is amended to read as follows:

(b)  A health care facility providing care to a sexual assault survivor shall provide the survivor with:

(1)  subject to Subsection (b-1), a forensic medical examination in accordance with Subchapter B, Chapter 420, Government Code, if the examination has been requested by a law enforcement agency under Subchapter F, Chapter 56A [~~Article 56.06~~], Code of Criminal Procedure, or is conducted under Subchapter G, Chapter 56A [~~Article 56.065~~], Code of Criminal Procedure;

(2)  a private area, if available, to wait or speak with the appropriate medical, legal, or sexual assault crisis center staff or volunteer until a physician, nurse, or physician assistant is able to treat the survivor;

(3)  access to a sexual assault program advocate, if available, as provided by Subchapter H, Chapter 56A [~~Article 56.045~~], Code of Criminal Procedure;

(4)  the information form required by Section 323.005;

(5)  a private treatment room, if available;

(6)  if indicated by the history of contact, access to appropriate prophylaxis for exposure to sexually transmitted infections; and

(7)  the name and telephone number of the nearest sexual assault crisis center.

SECTION 2.55.  Section 323.005(a), Health and Safety Code, is amended to read as follows:

(a)  The department shall develop a standard information form for sexual assault survivors that must include:

(1)  a detailed explanation of the forensic medical examination required to be provided by law, including a statement that photographs may be taken of the genitalia;

(2)  information regarding treatment of sexually transmitted infections and pregnancy, including:

(A)  generally accepted medical procedures;

(B)  appropriate medications; and

(C)  any contraindications of the medications prescribed for treating sexually transmitted infections and preventing pregnancy;

(3)  information regarding drug-facilitated sexual assault, including the necessity for an immediate urine test for sexual assault survivors who may have been involuntarily drugged;

(4)  information regarding crime victims compensation, including:

(A)  a statement that:

(i)  a law enforcement agency will pay for the forensic portion of an examination requested by the agency under Subchapter F, Chapter 56A [~~Article 56.06~~], Code of Criminal Procedure, and for the evidence collection kit; or

(ii)  the Department of Public Safety will pay the appropriate fees for the forensic portion of an examination conducted under Subchapter G, Chapter 56A [~~Article 56.065~~], Code of Criminal Procedure, and for the evidence collection kit; and

(B)  reimbursement information for the medical portion of the examination;

(5)  an explanation that consent for the forensic medical examination may be withdrawn at any time during the examination;

(6)  the name and telephone number of sexual assault crisis centers statewide; and

(7)  information regarding postexposure prophylaxis for HIV infection.

SECTION 2.56.  Section 241.007(e), Human Resources Code, is amended to read as follows:

(e)  The chief inspector general of the office of inspector general, at the direction of the board of directors of the special prosecution unit, shall notify the foreperson [~~foreman~~] of the appropriate grand jury, in the manner provided by Article 20A.051 [~~20.09~~], Code of Criminal Procedure, if:

(1)  the chief inspector general receives credible evidence of illegal or improper conduct by department officers, employees, or contractors that the inspector general reasonably believes jeopardizes the health, safety, and welfare of children in the custody of the department;

(2)  the chief inspector general reasonably believes the conduct:

(A)  could constitute an offense under Article 104.003(a), Code of Criminal Procedure; and

(B)  involves the alleged physical or sexual abuse of a child in the custody of a department facility or an investigation related to the alleged abuse; and

(3)  the chief inspector general has reason to believe that information concerning the conduct has not previously been presented to the appropriate grand jury.

SECTION 2.57.  Section 1701.253(b), Occupations Code, is amended to read as follows:

(b)  In establishing requirements under this section, the commission shall require courses and programs to provide training in:

(1)  the investigation and documentation of cases that involve:

(A)  child abuse or neglect;

(B)  family violence; and

(C)  sexual assault;

(2)  issues concerning sex offender characteristics; and

(3)  crime victims' rights under Chapter 56A [~~56~~], Code of Criminal Procedure, and Chapter 57, Family Code, and the duty of law enforcement agencies to ensure that a victim is afforded those rights.

SECTION 2.58.  Section 25.07(a), Penal Code, is amended to read as follows:

(a)  A person commits an offense if, in violation of a condition of bond set in a family violence, sexual assault or abuse, stalking, or trafficking case and related to the safety of a victim or the safety of the community, an order issued under Subchapter A, Chapter 7B [~~7A~~], Code of Criminal Procedure, an order issued under Article 17.292, Code of Criminal Procedure, an order issued under Section 6.504, Family Code, Chapter 83, Family Code, if the temporary ex parte order has been served on the person, Chapter 85, Family Code, or Subchapter F, Chapter 261, Family Code, or an order issued by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:

(1)  commits family violence or an act in furtherance of an offense under Section 20A.02, 22.011, 22.021, or 42.072;

(2)  communicates:

(A)  directly with a protected individual or a member of the family or household in a threatening or harassing manner;

(B)  a threat through any person to a protected individual or a member of the family or household; or

(C)  in any manner with the protected individual or a member of the family or household except through the person's attorney or a person appointed by the court, if the violation is of an order described by this subsection and the order prohibits any communication with a protected individual or a member of the family or household;

(3)  goes to or near any of the following places as specifically described in the order or condition of bond:

(A)  the residence or place of employment or business of a protected individual or a member of the family or household; or

(B)  any child care facility, residence, or school where a child protected by the order or condition of bond normally resides or attends;

(4)  possesses a firearm;

(5)  harms, threatens, or interferes with the care, custody, or control of a pet, companion animal, or assistance animal that is possessed by a person protected by the order or condition of bond; or

(6)  removes, attempts to remove, or otherwise tampers with the normal functioning of a global positioning monitoring system.

SECTION 2.59.  Section 25.071(a), Penal Code, is amended to read as follows:

(a)  A person commits an offense if, in violation of an order issued under Subchapter C, Chapter 7B [~~Article 6.08~~], Code of Criminal Procedure, the person knowingly or intentionally:

(1)  commits an offense under Title 5 or Section 28.02, 28.03, or 28.08 and commits the offense because of bias or prejudice as described by Article 42.014, Code of Criminal Procedure;

(2)  communicates:

(A)  directly with a protected individual in a threatening or harassing manner;

(B)  a threat through any person to a protected individual; or

(C)  in any manner with the protected individual, if the order prohibits any communication with a protected individual; or

(3)  goes to or near the residence or place of employment or business of a protected individual.

SECTION 2.60.  Section 46.04(c), Penal Code, is amended to read as follows:

(c)  A person, other than a peace officer, as defined by Section 1.07, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to an order issued under Section 6.504 or Chapter 85, Family Code, under Article 17.292 or Subchapter A, Chapter 7B [~~7A~~], Code of Criminal Procedure, or by another jurisdiction as provided by Chapter 88, Family Code, commits an offense if the person possesses a firearm after receiving notice of the order and before expiration of the order.

SECTION 2.61.  Section 77.051(a), Property Code, is amended to read as follows:

(a)  Notwithstanding the confidentiality provisions of Subchapters C, D, E, and F, Chapter 58 [~~Chapters 57, 57A, 57B, and 57D~~], Code of Criminal Procedure, each holder who on March 1 holds an unclaimed restitution payment that is presumed abandoned under Section 76.013 or 508.322, Government Code, shall file a property report with the comptroller on or before the following July 1. The comptroller may prescribe the form to be used for the report required by this section and may require the report to be filed electronically.

SECTION 2.62.  Section 77.252(a), Property Code, is amended to read as follows:

(a)  Except as provided by Subsection (b) and Chapter 56B [~~56~~], Code of Criminal Procedure, money in the compensation to victims of crime auxiliary fund may only be used to pay claims as provided by this chapter and is not available for any other purpose.  Section 403.095, Government Code, does not apply to the fund.

SECTION 2.63.  Sections 92.0161(c) and (c-1), Property Code, are amended to read as follows:

(c)  If the tenant is a victim or a parent or guardian of a victim of sexual assault under Section 22.011, Penal Code, aggravated sexual assault under Section 22.021, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual performance by a child under Section 43.25, Penal Code, continuous sexual abuse of a child under Section 21.02, Penal Code, or an attempt to commit any of the foregoing offenses under Section 15.01, Penal Code, that takes place during the preceding six-month period on the premises or at any dwelling on the premises, the tenant shall provide to the landlord or the landlord's agent a copy of:

(1)  documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed health care services provider who examined the victim;

(2)  documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed mental health services provider who examined or evaluated the victim;

(3)  documentation of the assault or abuse, or attempted assault or abuse, of the victim from an individual authorized under Chapter 420, Government Code, who provided services to the victim; or

(4)  documentation of a protective order issued under Subchapter A, Chapter 7B [~~7A~~], Code of Criminal Procedure, except for a temporary ex parte order.

(c-1)  If the tenant is a victim or a parent or guardian of a victim of stalking under Section 42.072, Penal Code, that takes place during the preceding six-month period on the premises or at any dwelling on the premises, the tenant shall provide to the landlord or the landlord's agent a copy of:

(1)  documentation of a protective order issued under Subchapter A or B, Chapter 7B [~~7A or Article 6.09~~], Code of Criminal Procedure, except for a temporary ex parte order; or

(2)  documentation of the stalking from a provider of services described by Subsection (c)(1), (2), or (3) and:

(A)  a law enforcement incident report or, if a law enforcement incident report is unavailable, another record maintained in the ordinary course of business by a law enforcement agency; and

(B)  if the report or record described by Paragraph (A) identifies the victim by means of a pseudonym, as defined by Article 58.001 [~~57A.01~~], Code of Criminal Procedure, a copy of a pseudonym form completed and returned under Article 58.152(a) [~~57A.02~~] of that code.

SECTION 2.64.  Section 11.43(j), Tax Code, is amended to read as follows:

(j)  In addition to the items required by Subsection (f), an application for a residence homestead exemption prescribed by the comptroller and authorized by Section 11.13 must:

(1)  list each owner of the residence homestead and the interest of each owner;

(2)  state that the applicant does not claim an exemption under that section on another residence homestead in this state or claim a residence homestead exemption on a residence homestead outside this state;

(3)  state that each fact contained in the application is true;

(4)  include a copy of the applicant's driver's license or state-issued personal identification certificate unless the applicant:

(A)  is a resident of a facility that provides services related to health, infirmity, or aging; or

(B)  is certified for participation in the address confidentiality program administered by the attorney general under Subchapter B [~~C~~], Chapter 58 [~~56~~], Code of Criminal Procedure;

(5)  state that the applicant has read and understands the notice of the penalties required by Subsection (f); and

(6)  be signed by the applicant.

SECTION 2.65.  Section 25.025(a), Tax Code, as amended by Chapters 34 (S.B. 1576), 41 (S.B. 256), 193 (S.B. 510), 1006 (H.B. 1278), and 1145 (H.B. 457), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(a)  This section applies only to:

(1)  a current or former peace officer as defined by Article 2.12, Code of Criminal Procedure, and the spouse or surviving spouse of the peace officer;

(2)  the adult child of a current peace officer as defined by Article 2.12, Code of Criminal Procedure;

(3)  a county jailer as defined by Section 1701.001, Occupations Code;

(4)  an employee of the Texas Department of Criminal Justice;

(5)  a commissioned security officer as defined by Section 1702.002, Occupations Code;

(6)  an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of family violence as defined by Section 71.004, Family Code, by providing:

(A)  a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B)  other independent documentary evidence necessary to show that the individual, the individual's child, or another person in the individual's household is a victim of family violence;

(7) [~~(6)~~]  an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons by providing:

(A)  a copy of a protective order issued under Subchapter A or B, Chapter 7B [~~7A or Article 6.09~~], Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B)  other independent documentary evidence necessary to show that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons;

(8) [~~(7)~~]  a participant in the address confidentiality program administered by the attorney general under Subchapter B [~~C~~], Chapter 58 [~~56~~], Code of Criminal Procedure, who provides proof of certification under Article 58.059 [~~56.84~~], Code of Criminal Procedure;

(9) [~~(8)~~]  a federal judge, a state judge, or the spouse of a federal judge or state judge;

(10)  a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(11)  [~~(9)~~]  a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(12) [~~(10)~~]  an officer or employee of a community supervision and corrections department established under Chapter 76, Government Code, who performs a duty described by Section 76.004(b) of that code;

(13) [~~(11)~~]  a criminal investigator of the United States as described by Article 2.122(a), Code of Criminal Procedure;

(14) [~~(12)~~]  a police officer or inspector of the United States Federal Protective Service;

(15) [~~(13)~~]  a current or former United States attorney or assistant United States attorney and the spouse and child of the attorney;

(16) [~~(14)~~]  a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement;

(17) [~~(15)~~]  a medical examiner or person who performs forensic analysis or testing who is employed by this state or one or more political subdivisions of this state;

(18) [~~(16)~~]  a current or former member of the United States armed forces who has served in an area that the president of the United States by executive order designates for purposes of 26 U.S.C. Section 112 as an area in which armed forces of the United States are or have engaged in combat;

(19) [~~(17)~~]  a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department;

(20) [~~(18)~~]  a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code;

(21) [~~(19)~~]  a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code; [~~and~~]

(22) [~~(18)~~]  a current or former employee of the Texas Civil Commitment Office or the predecessor in function of the office or a division of the office; and

(23) [~~(18)~~]  a current or former employee of a federal judge or state judge.

ARTICLE 3. REPEALER

SECTION 3.01.  The following provisions of the Code of Criminal Procedure are repealed:

(1)  Articles 6.08 and 6.09; and

(2)  Chapters 7A, 19, 20, 54, 56, 57, 57A, 57B, 57C, and 57D.

ARTICLE 4. GENERAL MATTERS

SECTION 4.01.  This Act is enacted under Section 43, Article III, Texas Constitution. This Act is intended as a codification only, and no substantive change in the law is intended by this Act.

SECTION 4.02.  (a) Chapter 311, Government Code (Code Construction Act), applies to the construction of each provision in the Code of Criminal Procedure that is enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), in the same manner as to a code enacted under the continuing statutory revision program, except as otherwise expressly provided by the Code of Criminal Procedure.

(b)  A reference in a law to a statute or a part of a statute in the Code of Criminal Procedure enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), is considered to be a reference to the part of that code that revises that statute or part of that statute.

SECTION 4.03.  This Act takes effect January 1, 2021.