

1-1 By: Kolkhorst S.B. No. 495
1-2 (In the Senate - Filed January 28, 2021; March 9, 2021, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 21, 2021, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 21, 2021,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

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

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 495 By: Creighton

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to certain rights of crime victims.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Article 56A.051(a), Code of Criminal Procedure,
1-20 is amended to read as follows:

1-21 (a) A victim, guardian of a victim, or close relative of a
1-22 deceased victim is entitled to the following rights within the
1-23 criminal justice system:

1-24 (1) the right to receive from a law enforcement agency
1-25 adequate protection from harm and threats of harm arising from
1-26 cooperation with prosecution efforts;

1-27 (2) the right to:

1-28 (A) have the magistrate consider the safety of
1-29 the victim or the victim's family in setting the amount of bail for
1-30 the defendant;

1-31 (B) be informed of the amount of bail set for the
1-32 defendant; and

1-33 (C) request that the attorney representing the
1-34 state ask the magistrate to adjust the amount of bail as necessary
1-35 to ensure the safety of the victim or the victim's family;

1-36 (3) if requested, the right to be informed:

1-37 (A) by the attorney representing the state of
1-38 relevant court proceedings, including appellate proceedings, and
1-39 to be informed if those proceedings have been canceled or
1-40 rescheduled before the event; and

1-41 (B) by an appellate court of the court's
1-42 decisions, after the decisions are entered but before the decisions
1-43 are made public;

1-44 (4) when requested, the right to be informed:

1-45 (A) by a peace officer concerning the defendant's
1-46 right to bail and the procedures in criminal investigations; and

1-47 (B) by the office of the attorney representing
1-48 the state concerning the general procedures in the criminal justice
1-49 system, including general procedures in guilty plea negotiations
1-50 and arrangements, restitution, and the appeals and parole process;

1-51 (5) the right to provide pertinent information to a
1-52 community supervision and corrections department conducting a
1-53 presentencing investigation concerning the impact of the offense on
1-54 the victim and the victim's family by testimony, written statement,
1-55 or any other manner before any sentencing of the defendant;

1-56 (6) the right to receive information regarding
1-57 compensation to victims of crime as provided by Chapter 56B,
1-58 including information related to the costs that may be compensated
1-59 under that chapter and the amount of compensation, eligibility for
1-60 compensation, and procedures for application for compensation

2-1 under that chapter, the payment for a forensic medical examination
2-2 under Article 56A.252 for a victim of an alleged sexual assault, and
2-3 when requested, to referral to available social service agencies
2-4 that may offer additional assistance;

2-5 (7) the right to:
2-6 (A) be informed, on request, of parole
2-7 procedures;
2-8 (B) participate in the parole process;
2-9 (C) provide to the board for inclusion in the
2-10 defendant's file information to be considered by the board before
2-11 the parole of any defendant convicted of any offense subject to this
2-12 chapter; and
2-13 (D) be notified, if requested, of parole
2-14 proceedings concerning a defendant in the victim's case and of the
2-15 defendant's release;

2-16 (8) the right to be provided with a waiting area,
2-17 separate or secure from other witnesses, including the defendant
2-18 and relatives of the defendant, before testifying in any proceeding
2-19 concerning the defendant; if a separate waiting area is not
2-20 available, other safeguards should be taken to minimize the
2-21 victim's contact with the defendant and the defendant's relatives
2-22 and witnesses, before and during court proceedings;

2-23 (9) the right to the prompt return of any of the
2-24 victim's property that is held by a law enforcement agency or the
2-25 attorney representing the state as evidence when the property is no
2-26 longer required for that purpose;

2-27 (10) the right to have the attorney representing the
2-28 state notify the victim's employer, if requested, that the victim's
2-29 cooperation and testimony is necessary in a proceeding that may
2-30 require the victim to be absent from work for good cause;

2-31 (11) the right to request victim-offender mediation
2-32 coordinated by the victim services division of the department;

2-33 (12) the right to be informed of the uses of a victim
2-34 impact statement and the statement's purpose in the criminal
2-35 justice system as described by Subchapter D, to complete the victim
2-36 impact statement, and to have the victim impact statement
2-37 considered:
2-38 (A) by the attorney representing the state and
2-39 the judge before sentencing or before a plea bargain agreement is
2-40 accepted; and
2-41 (B) by the board before a defendant is released
2-42 on parole;

2-43 (13) for a victim of an assault or sexual assault who
2-44 is younger than 17 years of age or whose case involves family
2-45 violence, as defined by Section 71.004, Family Code, the right to
2-46 have the court consider the impact on the victim of a continuance
2-47 requested by the defendant; if requested by the attorney
2-48 representing the state or by the defendant's attorney, the court
2-49 shall state on the record the reason for granting or denying the
2-50 continuance; and

2-51 (14) if the offense is a capital felony, the right to:
2-52 (A) receive by mail from the court a written
2-53 explanation of defense-initiated victim outreach if the court has
2-54 authorized expenditures for a defense-initiated victim outreach
2-55 specialist;
2-56 (B) not be contacted by the victim outreach
2-57 specialist unless the victim, guardian, or relative has consented
2-58 to the contact by providing a written notice to the court; and
2-59 (C) designate a victim service provider to
2-60 receive all communications from a victim outreach specialist acting
2-61 on behalf of any person.

2-62 SECTION 2. This Act takes effect September 1, 2021.

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