

BILL ANALYSIS

C.S.H.B. 798
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to the Texas Statewide Sexual Assault Prevalence Study conducted by The University of Texas at Austin Institute on Domestic Violence & Sexual Assault published in 2015, an estimated 6.3 million adult Texans have been victims of some form of sexual assault in their lifetimes, with roughly 20 percent of these cases occurring at the victim's place of residence. Additionally, a report by the Texas Council on Family Violence indicated that an overwhelming amount of victims of domestic violence experience homelessness as a result of their abuse, and almost half of the victims who call to request shelter are denied due to lack of space. These numbers speak to the need for increased housing assistance and relocation funding for victims of these crimes. Current law allows victims of stalking, family violence, and trafficking to receive a one-time assistance payment for relocation expenses under the Crime Victims' Compensation Act. However, the victims, in addition to children victims of attempted murder, may only receive the payment if the crime occurred in their place of residence. C.S.H.B. 798 seeks to address this issue by removing the "place of residence" clause for victims of sexual assault and for a child who is a victim of a murder attempt and authorizing the attorney general to make the one-time relocation payment to such victims. This would increase the number of victims and claimants eligible to receive the payment, allowing more victims who suffer from the trauma of violent crime to seek refuge away from their abusers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 798 amends the Code of Criminal Procedure to authorize the attorney general to award any victim of sexual assault and any child victim of attempted murder, after considering the circumstances of the offense against the victim, a one-time assistance payment under the Crime Victims' Compensation Act for certain relocation and housing rental expenses, regardless of where the assault or attempted murder occurred.

C.S.H.B. 798 applies only to compensation for criminally injurious conduct occurring on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of compensation for criminally injurious conduct, including any element of the offense underlying the conduct, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 798 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While the introduced entitled any victim of sexual assault and any child victim of attempted murder to the one-time relocation payment and did not specify the awarding party, the substitute authorizes the attorney general to make the award to those victims after considering the circumstances of the offense against the victim.