

BILL ANALYSIS

Senate Research Center
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H.B. 2877
By: King, Tracy O.; Collier (Blanco)
Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Crime Victims' Compensation Act was initially enacted by the 66th Legislature, providing financial assistance to victims of violent crimes. Despite several updates and amendments in the past 45 years, the Act has some gaps in compensation that can be updated. These gaps became increasingly evident following the tragic events at Santa Fe High School in 2018 and Robb Elementary School in 2022.

This proposal addresses some gaps by including all enrolled students of public and private schools as victims of the crime when a disaster at a school has been declared by the governor, making families of all students eligible for help with mental health counseling and travel costs related to attending the funerals of the victims killed, removing the financial limit amount for emergency award payments to survivors and families, removing the statutory limits on bereavement compensation for immediate family members, allowing for the confidentiality of names of victims who receive compensation, and removing the limits on rent and relocation assistance to allow more victims and survivors to be eligible to relocate.

H.B. 2877 amends current law relating to crime victims' compensation.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the attorney general in SECTION 2 (Article 56B.102, Code of Criminal Procedure) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Articles 56B.003(10) and (14), Code of Criminal Procedure, to redefine "pecuniary loss" and "victim."

SECTION 2. Amends Articles 56B.102(a) and (c), Code of Criminal Procedure, as follows:

(a) Authorizes the attorney general by rule to establish a process to make an emergency award if it appears likely that the claimant or victim will suffer undue hardship if immediate economic relief is not obtained. Deletes existing text authorizing the attorney general, before acting on an application for compensation under Chapter 56B (Crime Victims' Compensation), to make an emergency award if it appears likely that a final award will be made and the claimant or victim will suffer undue hardship if immediate economic relief is not obtained.

(c) Authorizes the rules to provide that the amount of an emergency award to be, rather than require that the amount of an emergency award 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.

SECTION 3. Amends Subchapter C, Chapter 56B, Code of Criminal Procedure, by adding Article 56B.1035, as follows:

Art. 56B.1035. COMPENSATION FOR PECUNIARY LOSS LIMITED IN CERTAIN CIRCUMSTANCES. Provides that compensation for pecuniary loss with respect to a victim described by Article 56B.003(14)(D) (relating to providing that the definition of "victim" includes an individual who is a child enrolled in a public or private primary or secondary school where criminally injurious conduct for which the governor issued a disaster has occurred, but who was not present at the time of the conduct and is a resident of this state), notwithstanding any other law, is limited to:

(1) psychiatric care or counseling for the victim; and

(2) for an immediate family member or household member of the victim, the necessary expenses of traveling to and attending the funeral of another victim of the criminally injurious conduct.

SECTION 4. Amends Section 552.132(c), Government Code, as follows:

(c) Provides that the amount of compensation awarded to a crime victim or claimant, rather than the name of the crime victim or claimant and the amount of compensation awarded to that crime victim or claimant, if the crime victim or claimant is awarded compensation under Article 56B.103 (Compensation for Pecuniary Loss) or 56B.104 (Compensation for Health Care Services), Code of Criminal Procedure, as of the date of the award of compensation, is public information and is not excepted from the requirements of Section 552.021 (Availability of Public Information). Makes nonsubstantive changes.

SECTION 5. Repealer: Article 56B.102(b) (relating to prohibiting an emergency award from exceeding \$1,500), Code of Criminal Procedure.

Repealers: Articles 56B.106(c) (relating to certain victims to receive a one-time assistance payment in an amount not to exceed certain amounts) and (d) (relating to prohibiting an immediate family member or household member of a deceased victim from receiving more than \$1,000 in lost wages as a result of bereavement leave taken by the family or household member), Code of Criminal Procedure.

SECTION 6. Makes application of Chapter 56B, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 7. Effective date: September 1, 2023.