

## **BILL ANALYSIS**

C.S.H.B. 2877  
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Youth Health & Safety, Select  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Gaps in compensation in the Crime Victims' Compensation Act and the experiences of people affected by the shootings at Robb Elementary and Santa Fe High School have brought to light the need to carve out support for more victims of crimes who are deserving of compensatory support. C.S.H.B. 2877 would extend compensation under the act to enrolled students of public and private schools when a disaster at a school has been declared by the governor. It would do so by making families of all students at the school eligible for help with mental health counseling and travel costs related to attending the funerals of the victims, removing the limit on the emergency award payments to survivors and families, removing the 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.

### **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 rulemaking authority is expressly granted to the attorney general in SECTION 2 of this bill.

### **ANALYSIS**

C.S.H.B. 2877 amends the Code of Criminal Procedure to classify as a "victim" for purposes of the Crime Victims' Compensation Act a child who is a Texas resident enrolled in a public or private primary or secondary school where criminally injurious conduct for which the governor issued a disaster declaration has occurred, but who was not present at the time of the conduct. The bill limits compensation for pecuniary loss with respect to such a victim to the following:

- psychiatric care or counseling for the victim; and
- 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.

C.S.H.B. 2877 makes the following changes regarding the compensation that may be awarded under the act to an immediate family member or a household member of a deceased victim for bereavement leave:

- removes the 10 workday cap on such leave for purposes of determining the amount of pecuniary loss; and
- repeals the \$1,000 cap on the amount that the family or household member may receive for lost wages as a result of such leave.

C.S.H.B. 2877 makes the following changes regarding the compensation that may be awarded under the act for relocation and housing rental assistance with respect to a victim of stalking, family violence, trafficking of persons, or sexual assault or a child who is a victim of a murder attempt:

- removes as a condition of such compensation with respect to a victim of sexual assault or a child who is a victim of a murder attempt that the crime occurred at the victim's residence; and
- repeals a provision limiting such compensation to a one-time assistance payment capped at \$2,000 for relocation expenses and \$1,800 for housing rental expenses.

C.S.H.B. 2877 replaces the authorization for the attorney general to make an emergency award before acting on an application for compensation under the act with an authorization for the attorney general to establish by rule a process to make an emergency award. The bill removes as a condition for making an emergency award that it appears likely a final award will be made but maintains the condition that it appears likely the claimant or victim will suffer undue hardship if immediate economic relief is not obtained. The bill repeals the \$1,500 cap on such an emergency award.

C.S.H.B. 2877 establishes that its changes to the act apply 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 criminally injurious conduct, or any element thereof, that occurred before that date.

C.S.H.B. 2877 amends the Government Code to remove the name of a crime victim or claimant who is awarded compensation for pecuniary loss or health care services under the act from the information that is considered public information and not excepted from the public availability requirement of state public information law.

C.S.H.B. 2877 repeals the following provisions of the Code of Criminal Procedure:

- Article 56B.102(b); and
- Articles 56B.106(c) and (d).

### **EFFECTIVE DATE**

September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 2877 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.

The substitute includes clarifications absent from the introduced that the child enrolled in a public or private school classified as a victim under the act is a child who was not present at the time of the criminally injurious conduct and that the compensation for pecuniary loss for such a victim's immediate family member or household member for necessary expenses of traveling to and attending the funeral of a victim applies with respect to the funeral of another victim of the conduct.