

## **BILL ANALYSIS**

C.S.H.B. 3786  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Crime victims have the right to privacy throughout the criminal justice process, the right to be reasonably protected from the accused throughout the criminal justice process, and, upon request, the right to notification of court proceedings. They are entitled to be present at court proceedings related to the offense, to confer with the prosecutor's office, to restitution, and to information about the conviction, sentence, imprisonment, and release of the accused. In addition, victims of sexual assault, indecent assault, stalking, and trafficking have rights with respect to evidence collection, medical care, protective orders, advocacy, and referrals to sexual assault programs. However, victims do not currently have meaningful access to enforce these rights when they are violated. Victims should be able to have legal representation to seek remedies if their rights are violated during the criminal justice process. C.S.H.B. 3786 provides for crime victims to assert and seek enforcement of a right granted by state law and for legal remedies.

### **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. 3786 amends the Code of Criminal Procedure to authorize a victim, guardian of a victim, or close relative of a deceased victim, either orally or in writing, to assert and seek enforcement of any right granted by statutory provisions relating to crime victims' rights. The bill authorizes the attorney representing the state or an attorney representing a victim, victim's guardian, or close relative of a deceased victim to assert such a right or request enforcement of the right by filing a motion, petition for a writ of mandamus, or action for injunctive or declaratory relief in a trial or appellate court with jurisdiction over the case. The bill requires a court that, after a hearing at which all parties have an opportunity to testify, determines a right of a victim, guardian of a victim, or close relative of a deceased victim has been violated, to order that the victim, guardian, or relative be provided the right. The bill prohibits the remedy ordered by the court from changing the verdict, sentence imposed, terms of an accepted plea bargain agreement, or outcome of a parole hearing.

### **EFFECTIVE DATE**

September 1, 2023.

## **COMPARISON OF INTRODUCED AND SUBSTITUTE**

C.S.H.B. 3786 differs from the introduced only by including a Texas Legislative Council draft number in the footer, whereas the introduced contained a different footer.