

BILL ANALYSIS

Senate Research Center

S.B. 49
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Crime Victims' Compensation (CVC) Program helps violent crime victims and immediate families of injured or deceased victims with the financial costs of crime. CVC covers crime-related costs such as counseling, medical treatment, funerals, and loss of income not paid by other sources.

Under current law, the Office of the Attorney General (OAG) may pay for relocation expenses when a victim needs to move as a result of the crime, but only to victims of family violence, sexual assault that occurred in the victim's residence, stalking, human trafficking, or child victims of attempted murder in the child's residence. There are other serious crimes in which relocation of a victim may be necessary, including armed robbery and kidnapping. What's more, currently, the definition of an immediate family member eligible for CVC benefits extends to only a parent, child, brother, sister, grandparent or grandchild. Some victims may have only relatives who do not fall under those categories but still need bereavement or relocation assistance. Another issue is that OAG can allocate only \$2,000 for moving expenses plus \$1,800 to cover rent, but these amounts have not increased since the statute was passed originally and are insufficient for most Texas cities. CVC benefits also can cover a victim's cost to travel to witness an execution, but only for one night of lodging, which is insufficient when proceedings are delayed at the last minute. Lastly, loss of earnings compensation due to bereavement leave taken due to a victim's death is limited to the lesser of \$1,000 or 10 days, which also is less than many persons need to maintain financial stability following a violent death of a loved one.

S.B. 49 would allow injured victims of any crime and additional family and household members to apply for relocation benefits while preserving OAG discretion. What's more, S.B. 49 would provide OAG with greater flexibility to set adequate relocation, bereavement, and lodging benefits. These changes would ensure that CVC is used more effectively.

(Original Author's/Sponsor's Statement of Intent)

S.B. 49 amends current law relating to crime victims' compensation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Articles 56B.003(2), (6), (7), and (10), Code of Criminal Procedure, to redefine "claimant," "family violence," "household member," and "pecuniary loss."

SECTION 2. Redesignates Subdivision (8), Article 56B.003, Code of Criminal Procedure, as Subdivision (5-a), Article 56B.003, Code of Criminal Procedure, and amends it to define "family member" and to delete existing text defining "immediate family member."

SECTION 3. Amends Article 56B.057(d), Code of Criminal Procedure, as follows:

(d) Prohibits the attorney general, except as provided by rules adopted by the attorney general to prevent the unjust enrichment of an offender, from denying an award otherwise payable to a claimant or victim because the claimant or victim:

(1) is a family member of the offender, rather than an immediate family member;
or

(2) makes no changes to this subdivision.

SECTION 4. Amends Article 56B.106, Code of Criminal Procedure, by amending Subsections (c) and (d) and adding Subsections (c-1), (c-2), and (c-3), as follows:

(c) Authorizes a victim of stalking, family violence, or trafficking of persons, a victim of sexual assault who is assaulted in the victim's place of residence, or a child who is a victim of a murder attempt in the child's place of residence to receive compensation for the following expenses:

(1) relocation expenses, including expenses for rental deposit, utility connections, expenses relating to moving belongings, motor vehicle mileage expenses, temporary or emergency lodging, and for an out-of-state move, expenses for transportation, lodging, and meals; and

(2) housing rental expenses.

Deletes existing text authorizing a victim of stalking, family violence, or trafficking of persons, a victim of sexual assault who is assaulted in the victim's place of residence, or a child who is a victim of a murder attempt in the child's place of residence to receive a one time assistance payment in an amount not to exceed an amount not to exceed \$2,000 for certain purposes and an amount not to exceed \$1,800 for housing rental expenses.

(c-1) Authorizes a victim other than a victim described by Subsection (c), a dependent of any victim, a family member of any victim if that family member has previously resided with the victim for a period of not less than two years, or a household member of any victim to receive compensation for the following expenses, if the expenses are necessary to protect the health or safety of the victim, dependent, or family or household member:

(1) relocation expenses, including expenses for rental deposit, utility connections, expenses relating to moving belongings, motor vehicle mileage expenses, temporary or emergency lodging, and for an out-of-state move, expenses for transportation, lodging, and meals; and

(2) housing rental expenses.

(c-2) Authorizes the attorney general, unless the attorney general determines that there is an extraordinary health or safety need for compensation to be made to more than two households, for each application based on criminally injurious conduct giving rise to the need for relocation or housing rental expenses, to award compensation for relocation or housing rental expenses under Subsection (c) or (c-1) to the households of no more than:

(1) one victim and one claimant; or

(2) two claimants, if the victim is deceased.

(c-3) Prohibits a victim or claimant from receiving more than \$5,000 in the aggregate for relocation expenses and housing rental expenses under Subsection (c) or (c-1).

(d) Prohibits a family member or household member of a deceased victim, rather than an immediate family member, from receiving more than \$3,333, rather than \$1,000, in lost wages as a result of bereavement leave taken by the family or household member.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2023.