

BILL ANALYSIS

S.B. 49
By: Zaffirini
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The state's 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. Advocates for victims of crime have requested that numerous issues with the current program be addressed.

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 program allows some family members impacted by the crime to receive counseling or bereavement assistance, but many close family or household members are ineligible. A fiancé who lives with a victim killed in a homicide or a cousin who grew up in the household of the victim as a sibling, for example, is ineligible since eligibility is limited to current household members with a blood relationship or family members related by only the second degree of consanguinity. Some victims may have only loved ones who do not fall under those categories but still need bereavement or counseling assistance.

Another issue is that the 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 people need to maintain financial stability following a violent death of a loved one.

S.B. 49 seeks to revise provisions governing the CVC program to address these issues and allow the program to better meet the needs of victims of crime and their families.

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

S.B. 49 amends the Code of Criminal Procedure to revise provisions governing the state's crime victims' compensation program as follows:

- with respect to general eligibility for compensation under the program:
 - removes language limiting the eligible family members to only those considered immediate family;
 - removes language limiting the eligible household members to only those who are related to the victim by consanguinity or affinity; and
 - expands the acts that qualify as family violence when determining eligibility for payments to include any act considered family violence for purposes of Family Code provisions regarding protective orders and family violence;
- with respect to compensation for relocation and housing rental expenses for which a victim of sexual assault who is assaulted in the victim's place of residence, a child who is a victim of a murder attempt in the child's place of residence, or a victim of stalking, family violence, or trafficking of persons is eligible:
 - removes the \$2,000 cap on the amount that may be paid out for relocation expenses and the \$1,800 cap on the amount that may be paid out for housing rental expenses and establishes instead a \$5,000 cap on the amount of the award the victim may receive in the aggregate for these expenses;
 - includes expenses for temporary or emergency lodging among the expenses that may be covered by compensation for relocation expenses;
 - extends the authorization to receive compensation for relocation and housing rental expenses to other victims not already eligible to receive it and to a dependent of any victim, a family member of any victim who has previously resided with the victim for a period of not less than two years, or a household member of any victim if the expenses are necessary to protect the health or safety of the victim, dependent, or family or household member and establishes a \$5,000 cap on the amount of the award the victim or claimant may receive in the aggregate for these expenses; and
 - limits the households to whom the attorney general may award compensation for relocation or housing rental expenses for each application based on criminally injurious conduct giving rise to the need for such expenses to the households of no more than one victim and one claimant or, if the victim is deceased, two claimants, unless the attorney general determines that there is an extraordinary health or safety need for compensation to be made to more than two households;
- increases from \$1,000 to \$3,333 the cap on the amount that may be paid in lost wages paid to a family member or household member of a deceased victim as a result of bereavement leave taken; and
- with respect to the pecuniary losses incurred as a result of personal injury or death that may be covered under the program:
 - removes language limiting to one the number of night's lodging that may be considered a reasonable and necessary cost of traveling to and from a place of execution to witness the execution; and
 - removes language limiting the number of days of bereavement leave that may be covered for a family member or household member of a deceased victim to 10 work days.

S.B. 49 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 such conduct, or any element of the offense underlying such conduct, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.