

BILL ANALYSIS

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S.B. 49
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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.

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

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the attorney general in SECTION 4 (Article 56B.106, Code of Criminal Procedure) of this bill.

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 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 a one-time assistance payment for:

(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, rather than an amount not to exceed \$2,000 for these purposes; and

(2) housing rental expenses, rather than an amount not exceed \$1,800 for these purposes.

(c-1) Authorizes a victim other than a victim described by Subsection (c), a dependent of any victim, or a family member or household member of any victim, except as provided by Subsection (c-2), to receive a one-time assistance payment for:

(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) Prohibits the attorney general from awarding more than two assistance payments under Subsection (c-1) with respect to the same criminally injurious conduct, regardless of whether the payments are awarded to the victims or other claimants, unless the attorney general determines that it is necessary to award more than two assistance payments because of the extraordinary health or safety needs of the victim or claimants.

(c-3) Authorizes the attorney general by rule to establish a limitation on the amount of an award a victim or claimant is authorized to receive under Subsection (c) or (c-1), except that the limitation for:

(1) relocation expenses as provided by Subsection (c)(1) or (c-1)(1) are prohibited from being less than \$2,000; and

(2) housing rental expenses as provided by Subsection (c)(2) or (c-1)(2) are prohibited from being less than \$1,800.

(d) Authorizes the attorney general by rule to establish a limitation on an award a family member or household member of a deceased victim is authorized to receive for lost wages as a result of bereavement leave taken by the family or household member, except that the limit is prohibited from being less than the lesser of:

(1) \$1,000; or

(2) an amount equal to 10 days of lost wages.

Deletes existing text prohibiting an immediate family member from receiving more 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.