

BILL ANALYSIS

S.B. 409
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Survivors of sexual assault and related sex crimes can regularly face institutional barriers and poor treatment by those working in the criminal justice system. Specifically, many survivors are denied information about the status of their case in a timely manner, nor are they consulted when their case is dismissed or pled to a lower offense. This retraumatizes victims and leads to less engagement from survivors as a whole. A January 2022 report by the Institute on Domestic Violence and Sexual Assault at The University of Texas at Austin stated that a survivor's negative experience with a governmental institution had profound effects on their ability to participate in the criminal justice system, access services, and heal from sexual violence. S.B. 409 aims to empower these survivors by entitling specific victims, guardians of victims, and close relatives of deceased victims of certain offenses to additional rights within the criminal justice system relating to information about the disposition of the offense and authorizing the assertion of those rights either orally or in writing.

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. 409 amends the Code of Criminal Procedure to include a victim, guardian of a victim, and a close relative of a deceased victim of the offense of continuous sexual abuse of a young child or disabled individual, indecency with a child, indecent assault, or stalking among the individuals entitled to additional rights within the criminal justice system and to clarify that the persons currently entitled to additional rights because the offense is a sexual assault are also entitled to additional rights if the offense is aggravated sexual assault. The bill expands those rights to include the right to be informed about, and confer with the state's attorney, if requested, regarding the disposition of the offense, including sharing the victim's, guardian's, or relative's views regarding the following matters:

- a decision not to file charges;
- the dismissal of charges;
- the use of a pretrial intervention program; or
- a plea bargain agreement.

S.B. 409 requires a victim, guardian of a victim, or close relative of a deceased victim who requests to receive information regarding any evidence that was collected during the

investigation of the offense and status of any related analysis or the disposition of the case to do the following:

- provide a current address and phone number to the state's attorney and the applicable law enforcement agency; and
- inform the state's attorney and the law enforcement agency of any change in address or phone number.

S.B. 409 authorizes a victim, guardian of a victim, or close relative of a deceased victim to assert the rights as a crime victim under state law either orally or in writing.

EFFECTIVE DATE

September 1, 2023.