

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2101
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Criminal Justice
4/12/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

What does this bill do?

- S.B. 2101 adds a new definition for an authorized form of notification for victims of crime which allows information regarding court proceedings and criminal investigations to be delivered electronically when requested by the victim, the victim's family, or their representation.

Background and Purpose:

- The Rights of Crime Victims Act was passed by the Texas Legislature in the 1980s and created a statutory framework to ensure that victims of crime were afforded certain rights under Texas law.
- In the Texas Constitution, Article 1, Section 30 (Crime Victims' Bill of Rights), and the Texas Code of Criminal Procedure (CCP), Chapter 56A (Rights of Crime Victims), there are several mentions of the "right to information" for a victim of crime.
- (2)(b) On the request of a crime victim, the victim has the following rights:
 - (1) the right to notification of court proceedings;
 - (5) the right to information about the conviction, sentence, imprisonment, and release of the accused.
- Due to the era in which the Rights of Crime Victims Act was passed, there were no means of electronic communications invented at the time of the passage of the act other than phone calls.
- S.B. 2101 creates a new definition for an authorized form of electronic notification allowing for the delivery of information to a crime victim by email, text, phone call, or personal contact and may be requested through an anonymous online portal as applicable.
- S.B. 2101 enhances and modernizes already existing rights of victims of crime to be notified regarding the specifics of their case.

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

C.S.S.B. 2101 amends current law relating to certain notifications related to the rights of crime victims.

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 Article 56A.051(a), Code of Criminal Procedure, as follows:

(a) Provides that a victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1)-(2) makes no changes to these subdivisions;

(3) if requested, the right to be informed in the manner provided by Article 56A.0525:

(A)-(B) makes no changes to these paragraphs;

(4) when requested, the right to be informed in the manner provided by Article 56A.0525:

(A)-(B) makes no changes to these paragraphs;

(5) makes no changes to this subdivision;

(6) the right to receive information, in the manner provided by Article 56A.0525, regarding compensation to victims of crime as provided by Chapter 56B (Crime Victims' Compensation), including information related to the costs that are authorized to be compensated under that chapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that chapter, the payment for a forensic medical examination under Article 56A.252 (Payment of Costs of Examination) for a victim of an alleged sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

(7) the right to:

(A) be informed, on request, and in the manner provided by Article 56A.0525, of parole procedures;

(B)-(C) makes no changes to these paragraphs; and

(D) be notified in the manner provided by Article 56A.0525, if requested, of parole proceedings concerning a defendant in the victim's case and of the defendant's release;

(8)-(11) makes no changes to these subdivisions;

(12) the right to be informed, in the manner provided by Article 56A.0525, of the uses of a victim impact statement and the statement's purpose in the criminal justice system as described by Subchapter D (Victim Impact Statement), to complete the victim impact statement, and to have the victim impact statement considered:

(A)-(B) makes no changes to these paragraphs; and

(13)-(14) makes no changes to these subdivisions.

SECTION 2. Amends Articles 56A.052(a), (b), (d), and (e), Code of Criminal Procedure, as follows:

(a) Provides that a victim, guardian of a victim, or close relative of a deceased victim, if the offense is a sexual assault, is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information, in the manner provided by Article 56A.0525, regarding:

(A)-(B) makes no changes to these paragraphs;

(2) if requested, the right to be notified in the manner provided by Article 56A.0525:

(A)-(C) makes no changes to these paragraphs; and

(3)-(4) makes no changes to these subdivisions.

(b) Requires the victim, guardian, or relative to provide an e-mail address and update any change in that e-mail address if the victim, guardian, or relative chooses to receive notifications by e-mail.

(d) Provides that a victim described by this subsection or a parent or guardian of the victim, if the victim is younger than 18 years of age or an adult ward, is entitled to the following rights within the criminal justice system:

(1) the right to be informed in the manner provided by Article 56A.0525:

(A)-(D) makes no changes to these paragraphs;

(2) the right to:

(A) makes no changes to this paragraph; and

(B) be notified in the manner provided by Article 56A.0525 when the attorney representing the state files an application for a protective order under Article 7B.001 (Application for Protective Order);

(3) if the victim or the victim's parent or guardian, as applicable, is present when the defendant is convicted or placed on deferred adjudication community supervision, the right to:

(A) be given by the court the information described by Subdivision (1), in the manner provided by Article 56A.0525; and

(B) makes no changes to this paragraph; and

(4) if the victim or the victim's parent or guardian, as applicable, is not present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the attorney representing the state the information described by Subdivision (1), in the manner provided by Article 56A.0525.

(e) Provides that a victim of an offense under certain sections is entitled to be informed, in the manner provided by Article 56A.0525, that the victim is authorized to petition for an order of nondisclosure of criminal history record information under Section 411.0728 (Procedure for Certain Victims of Trafficking of Persons or Compelling Prostitution), Government Code, if the victim:

(1)-(2) makes no changes to these subdivisions.

SECTION 3. Amends Subchapter B, Chapter 56A, Code of Criminal Procedure, by adding Article 56A.0525, as follows:

Art. 56A.0525. AUTHORIZED FORM OF NOTIFICATIONS. Requires a judge, attorney representing the state, peace officer, or law enforcement agency that is required to notify, inform, or disclose information to a victim, guardian of a victim, or close relative of a deceased victim in accordance with a right granted under Subchapter B (Crime Victims' Rights) to provide the notification or information in the following manner for purposes of this subchapter:

- (1) electronically, including by text message, videoconference, or e-mail;
- (2) by mail;
- (3) through an anonymous, online portal; or
- (4) by contacting by telephone or otherwise making personal contact with the victim, guardian, or relative, as applicable.

SECTION 4. Effective date: September 1, 2023.