88R19048 CJD-F

By:  King of Uvalde H.B. No. 2877

Substitute the following for H.B. No. 2877:

By:  Lozano C.S.H.B. No. 2877

A BILL TO BE ENTITLED

AN ACT

relating to crime victims' compensation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Articles 56B.003(10) and (14), Code of Criminal Procedure, are amended to read as follows:

(10)  "Pecuniary loss" means the amount of the expense reasonably and necessarily incurred as a result of personal injury or death for:

(A)  medical, hospital, nursing, or psychiatric care or counseling, or physical therapy;

(B)  actual loss of past earnings and anticipated loss of future earnings and necessary travel expenses because of:

(i)  a disability resulting from the personal injury;

(ii)  the receipt of medically indicated services related to the disability; or

(iii)  participation in or attendance at investigative, prosecutorial, or judicial processes or any postconviction or postadjudication proceeding relating to criminally injurious conduct;

(C)  care of a child or dependent, including specialized care for a child who is a victim;

(D)  funeral and burial expenses, including, for an immediate family member or [~~a~~] household member of the victim, the necessary expenses of traveling to and attending the funeral;

(E)  loss of support to a dependent, consistent with Article 56B.057(b)(5);

(F)  reasonable and necessary costs of cleaning the crime scene;

(G)  reasonable replacement costs for clothing, bedding, or property of the victim seized as evidence or rendered unusable as a result of the criminal investigation;

(H)  reasonable and necessary costs for relocation and housing rental assistance payments for a victim of stalking, family violence, trafficking of persons, or sexual assault or a child who is a victim of a murder attempt [~~as provided by Article 56B.106(c)~~];

(I)  for an immediate family member or a household member of a deceased victim, bereavement leave [~~of not more than 10 work days~~]; and

(J)  reasonable and necessary costs of traveling to and from a place of execution to witness the execution, including one night's lodging near the place where the execution is conducted.

(14)  "Victim" means:

(A)  an individual who:

(i)  suffers personal injury or death as a result of criminally injurious conduct or as a result of actions taken by the individual as an intervenor, if the conduct or actions occurred in this state; and

(ii)  is a resident of this state or another state of the United States;

(B)  an individual who:

(i)  suffers personal injury or death as a result of criminally injurious conduct or as a result of actions taken by the individual as an intervenor, if the conduct or actions occurred in a state or country that does not have a crime victims' compensation program that meets the requirements of Section 1403(b), Victims of Crime Act of 1984 (34 U.S.C. Section 20102(b));

(ii)  is a resident of this state; and

(iii)  would be entitled to compensation under this chapter if the criminally injurious conduct or actions had occurred in this state; [~~or~~]

(C)  an individual who:

(i)  suffers personal injury or death as a result of criminally injurious conduct caused by an act of international terrorism as defined by 18 U.S.C. Section 2331 committed outside of the United States; and

(ii)  is a resident of this state; or

(D)  an individual who:

(i)  is a child enrolled in a public or private primary or secondary school where criminally injurious conduct for which the governor issued a disaster declaration under Section 418.014, Government Code, has occurred, but who was not present at the time of the conduct; and

(ii)  is a resident of this state.

SECTION 2.  Articles 56B.102(a) and (c), Code of Criminal Procedure, are amended to read as follows:

(a)  The [~~Before acting on an application for compensation under this chapter, the~~] attorney general by rule may establish a process to make an emergency award if it appears likely that[~~:~~

[~~(1)  a final award will be made; and~~

[~~(2)~~]  the claimant or victim will suffer undue hardship if immediate economic relief is not obtained.

(c)  The rules may provide that the amount of an emergency award [~~must~~] be:

(1)  deducted from the final award; or

(2)  repaid by and recoverable from the claimant or victim to the extent the emergency award exceeds the final award.

SECTION 3.  Subchapter C, Chapter 56B, Code of Criminal Procedure, is amended by adding Article 56B.1035 to read as follows:

Art. 56B.1035.  COMPENSATION FOR PECUNIARY LOSS LIMITED IN CERTAIN CIRCUMSTANCES. Notwithstanding any other law, compensation for pecuniary loss with respect to a victim described by Article 56B.003(14)(D) is limited to:

(1)  psychiatric care or counseling for the victim; and

(2)  for an immediate family member or household member of the victim, the necessary expenses of traveling to and attending the funeral of another victim of the criminally injurious conduct.

SECTION 4.  Section 552.132(c), Government Code, is amended to read as follows:

(c)  If the crime victim or claimant is awarded compensation under Article 56B.103 or 56B.104, Code of Criminal Procedure, as of the date of the award of compensation, [~~the name of the crime victim or claimant and~~] the amount of compensation awarded to that crime victim or claimant is [~~are~~] public information and is [~~are~~] not excepted from the requirements of Section 552.021.

SECTION 5.  The following provisions of the Code of Criminal Procedure are repealed:

(1)  Article 56B.102(b); and

(2)  Articles 56B.106(c) and (d).

SECTION 6.  Chapter 56B, Code of Criminal Procedure, as amended by this Act, applies only to compensation for criminally injurious conduct occurring on or after the effective date of this Act. Compensation for criminally injurious conduct occurring before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, criminally injurious conduct occurred before the effective date of this Act if any element of the offense underlying the conduct occurred before that date.

SECTION 7.  This Act takes effect September 1, 2023.