By:  Gutierrez, et al. S.B. No. 574

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the School Violence Victims' Compensation Fund

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

SECTION 1.  Title 4, Government Code, is amended by adding to Chapter 403, subchapter S to read as follows:

SUBCHAPTER S. GENERAL PROVISIONS

Sec. 403.601.  SHORT TITLE. This chapter may be cited as the School Violence Victims' Compensation Act.

Sec. 403.602.  LEGISLATIVE FINDINGS AND INTENT. (a) The legislature recognizes that it shall be the duty of the legislature to establish and make suitable provision for the support and maintenance of an efficient system of public free schools. The legislature further finds that a public school system in which Texas students are not safe from gun violence is not efficient nor suitable. The legislature also finds that there is a public calamity in relation to gun violence in Texas public schools necessitating a grant of aid to the students, teachers, and educational support personnel that have been victims of gun violence.

(b)  It is the legislature's intent that the compensation provided to the innocent victims of the violent gun-related crime that have occurred and will occur at Texas public schools ameliorates the pain caused by those attacks.

Sec. 406.603.  DEFINITIONS. In this chapter:

(1)  "Claimant" means any of the following individuals, other than a service provider, who is entitled to file or has filed a claim for compensation under this chapter:

(A)  an authorized individual acting on behalf of a victim;

(B)  a dependent of a victim who died or was injured as a result of the criminally injurious conduct;

(C)  an immediate family member or a household member of a victim;

(D)  an authorized individual acting on behalf of a child described by Paragraph (B) or (C).

(2)  "Household member" means an individual who:

(A)  is related by consanguinity or affinity to the victim or is the legal guardian of the victim; and

(B)  resided in the same permanent household as the victim at the time that the criminally injurious conduct occurred.

(4)  "Immediate family member" means an individual who is related to a victim within the second degree by consanguinity or affinity or is a legal guardian of the victim.

(5)  "Victim" means an individual who suffered personal injury or death as a result of a gun-related incident in a Texas public school since January 1, 2018.

Sec. 403.604  TYPES OF ASSISTANCE. (a) On receiving and reviewing an application for compensation under Section 403.605, the Comptroller shall authorize a cash payment within 60 days to a victim, a victim's immediate family, or a member of the household of the victim if the victim was seriously physically injured, murdered, or suffering from mental or emotional disability on account of a gun-related incident in a Texas public school.

(b)  After certifying the veracity of the application, the Comptroller shall authorize the following cash payment to a victim, a victim's immediate family, or a member of the household of the victim:

(1)  $1,000,000 dollars per deceased victim payable to the victim's immediate surviving family or members of the household;

(2)  $250,000 dollars per seriously physically injured victim payable to the victim;

(3)  $100,000 dollars per mental or emotional disability victim payable to the victim; and

(4)  $50,000 per physically injured victim payable to the victim.

(c)  Upon reviewing the totality of factual circumstances surrounding the application, the Comptroller may divide the award between members of the immediate family, household, or legal guardians.

Sec. 403.605.  APPLICATION FOR COMPENSATION. (a) An applicant for compensation under this chapter must apply in writing on a form prescribed by the Comptroller.

(b)  An application for compensation under this chapter must be verified and contain:

(1)  the date on which the injurious conduct occurred;

(2)  a description of the nature and circumstances of the injurious conduct;

(3)  a statement indicating the extent of the psychological or physical injury caused by the injurious conduct, including any disability resulting from the injury incurred;

(4)  an authorization permitting the board to verify the contents of the application; and

(5)  the relationship by consanguinity, affinity, or legal guardianship to any victim of a gun-related incident in a Texas public school.

Sec. 403.606.  REVIEW OF APPLICATION. (a) The Comptroller shall review each application for compensation described by Section 403.605 to ensure the application is complete.

(b)  The Comptroller shall return to the claimant or victim any application that is incomplete and shall provide a brief statement showing the additional information required. Not later than the 30th day after the date of receiving a returned application, a claimant or victim may provide the additional information.

(c)  The Comptroller may investigate an application.

(d)  As part of the Comptroller's review and verification duties under this subchapter, the Comptroller may investigate the application for truthfulness.

Sec. 403.607.  METHOD OF PAYMENT. The Comptroller shall pay an award in a lump sum.

SECTION 2.  Title 2, Tax Code, by adding Chapter 164 to read as follows:

CHAPTER 164. FIREARM AND AMMO TAX

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 164.001.  IMPOSITION AND RATE OF TAX. (a) A tax is imposed on every retail sale of firearms or ammunition sold in this state.

(b)  The tax rates are:

(1)  five cents per round of ammunition for a firearm; and

(2)  $50.00 per firearm.

Sec. 164.002.  DEDICATION TO THE SCHOOL VIOLENCE VICTIMS'COMPENSATION FUND. The revenue collected from any tax imposed by this chapter, and deposited to the general revenue fund may only be spent to fund the School Violence Victims' Compensation Fund under Subchapter S, Chapter 403, Government Code.

SECTION 3.  This compensation shall be cumulative of all other remedies, benefits, or compensation provided for by law.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.