

1-1 By: King of Uvalde, Collier, Morales of Maverick H.B. No. 2877
1-2 (Senate Sponsor - Blanco)
1-3 (In the Senate - Received from the House April 24, 2023;
1-4 April 24, 2023, read first time and referred to Committee on
1-5 Criminal Justice; May 18, 2023, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-7 May 18, 2023, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	Whitmire	X		
1-11	Flores	X		
1-12	Bettencourt	X		
1-13	Hinojosa	X		
1-14	Huffman	X		
1-15	King	X		
1-16	Miles	X		

1-17 COMMITTEE SUBSTITUTE FOR H.B. No. 2877 By: Hinojosa

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to crime victims' compensation.
1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-22 SECTION 1. Article 56B.003(14), Code of Criminal Procedure,
1-23 is amended to read as follows:
1-24 (14) "Victim" means:
1-25 (A) an individual who:
1-26 (i) suffers personal injury or death as a
1-27 result of criminally injurious conduct or as a result of actions
1-28 taken by the individual as an intervenor, if the conduct or actions
1-29 occurred in this state; and
1-30 (ii) is a resident of this state or another
1-31 state of the United States;
1-32 (B) an individual who:
1-33 (i) suffers personal injury or death as a
1-34 result of criminally injurious conduct or as a result of actions
1-35 taken by the individual as an intervenor, if the conduct or actions
1-36 occurred in a state or country that does not have a crime victims'
1-37 compensation program that meets the requirements of Section
1-38 1403(b), Victims of Crime Act of 1984 (34 U.S.C. Section 20102(b));
1-39 (ii) is a resident of this state; and
1-40 (iii) would be entitled to compensation
1-41 under this chapter if the criminally injurious conduct or actions
1-42 had occurred in this state; ~~or~~
1-43 (C) an individual who:
1-44 (i) suffers personal injury or death as a
1-45 result of criminally injurious conduct caused by an act of
1-46 international terrorism as defined by 18 U.S.C. Section 2331
1-47 committed outside of the United States; and
1-48 (ii) is a resident of this state; or
1-49 (D) an individual who:
1-50 (i) is a child enrolled in a public or
1-51 private primary or secondary school where criminally injurious
1-52 conduct for which the governor issued a disaster declaration under
1-53 Section 418.014, Government Code, has occurred, but who was not
1-54 present at the time of the conduct; and
1-55 (ii) is a resident of this state.
1-56 SECTION 2. Articles 56B.102(a) and (c), Code of Criminal
1-57 Procedure, are amended to read as follows:
1-58 (a) The ~~[Before acting on an application for compensation~~
1-59 ~~under this chapter, the]~~ attorney general by rule may establish a
1-60 process to make an emergency award if it appears likely that [+]

2-1 [~~(1)~~ a final award will be made, and
2-2 [~~(2)~~] the claimant or victim will suffer undue
2-3 hardship if immediate economic relief is not obtained.

2-4 (c) The rules may provide that the amount of an emergency
2-5 award [must] be:

- 2-6 (1) deducted from the final award; or
- 2-7 (2) repaid by and recoverable from the claimant or
- 2-8 victim to the extent the emergency award exceeds the final award.

2-9 SECTION 3. Subchapter C, Chapter 56B, Code of Criminal
2-10 Procedure, is amended by adding Article 56B.1035 to read as
2-11 follows:

2-12 Art. 56B.1035. COMPENSATION FOR PECUNIARY LOSS LIMITED IN
2-13 CERTAIN CIRCUMSTANCES. Notwithstanding any other law,
2-14 compensation for pecuniary loss with respect to a victim described
2-15 by Article 56B.003(14)(D) is limited to:

- 2-16 (1) psychiatric care or counseling for the victim; and
- 2-17 (2) for an immediate family member or household member
- 2-18 of the victim, the necessary expenses of traveling to and attending
- 2-19 the funeral of another victim of the criminally injurious conduct.

2-20 SECTION 4. Section 552.132(c), Government Code, is amended
2-21 to read as follows:

2-22 (c) If the crime victim or claimant is awarded compensation
2-23 under Article 56B.103 or 56B.104, Code of Criminal Procedure, as of
2-24 the date of the award of compensation, [~~the name of the crime victim~~
2-25 ~~or claimant and~~] the amount of compensation awarded to that crime
2-26 victim or claimant is [are] public information and is [are] not
2-27 excepted from the requirements of Section 552.021.

2-28 SECTION 5. Article 56B.102(b), Code of Criminal Procedure,
2-29 is repealed.

2-30 SECTION 6. Chapter 56B, Code of Criminal Procedure, as
2-31 amended by this Act, applies only to compensation for criminally
2-32 injurious conduct occurring on or after the effective date of this
2-33 Act. Compensation for criminally injurious conduct occurring
2-34 before the effective date of this Act is governed by the law in
2-35 effect on the date the conduct occurred, and the former law is
2-36 continued in effect for that purpose. For purposes of this section,
2-37 criminally injurious conduct occurred before the effective date of
2-38 this Act if any element of the offense underlying the conduct
2-39 occurred before that date.

2-40 SECTION 7. This Act takes effect September 1, 2023.

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