

By: Hinojosa

H.B. No. 4721

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. 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

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

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

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

10 Sec. 403.603 TYPES OF ASSISTANCE. (a) On receiving and
11 reviewing an application for compensation under Section 403.605,
12 the Comptroller shall authorize a cash payment within 60 days to a
13 victim, a victim's immediate family, or a member of the household of
14 the victim if the victim was seriously physically injured,
15 murdered, or suffering from mental or emotional disability on
16 account of a gun-related incident in a Texas public school.

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

21 (1) \$1,000,000 dollars per deceased victim payable to
22 the victim's immediate surviving family or members of the
23 household;

24 (2) \$250,000 dollars per seriously physically injured
25 victim payable to the victim;

26 (3) \$100,000 dollars per mental or emotional
27 disability victim payable to the victim; and

1 (4) \$50,000 per physically injured victim payable to
2 the victim.

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

7 Sec. 403.604. APPLICATION FOR COMPENSATION. (a) An
8 applicant for compensation under this chapter must apply in writing
9 on a form prescribed by the Comptroller.

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

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

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

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

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

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

23 Sec. 403.605. REVIEW OF APPLICATION. (a) The Comptroller
24 shall review each application for compensation described by Section
25 403.604 to ensure the application is complete.

26 (b) The Comptroller shall return to the claimant or victim
27 any application that is incomplete and shall provide a brief

1 statement showing the additional information required. Not later
2 than the 30th day after the date of receiving a returned
3 application, a claimant or victim may provide the additional
4 information.

5 (c) The Comptroller may investigate an application.

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

9 Sec. 403.606. METHOD OF PAYMENT. The Comptroller shall pay
10 an award in a lump sum.

11 SECTION 2. This compensation shall be cumulative of all
12 other remedies, benefits, or compensation provided for by law.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2023.