

By: Hinojosa, et al.
(Leach, et al.)

S.B. No. 409

A BILL TO BE ENTITLED

AN ACT

relating to the rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.

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

SECTION 1. Articles 56A.052(a), (b), and (c), Code of Criminal Procedure, are amended to read as follows:

(a) A [~~If the offense is a sexual assault, a~~] victim, guardian of a victim, or close relative of a deceased victim of an offense under Section 21.02, 21.11, 22.011, 22.012, 22.021, or 42.072, Penal Code, is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information regarding:

(A) any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed; and

(B) the status of any analysis being performed on [~~of~~] any evidence described by Paragraph (A);

(2) if requested, the right to be notified:

(A) at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected

1 during the investigation of the offense;

2 (B) at the time of the submission of a request to
3 compare any biological evidence collected during the investigation
4 of the offense with DNA profiles maintained in a state or federal
5 DNA database; and

6 (C) of the results of the comparison described by
7 Paragraph (B), unless disclosing the results would interfere with
8 the investigation or prosecution of the offense, in which event the
9 victim, guardian, or relative shall be informed of the estimated
10 date on which those results are expected to be disclosed;

11 (3) if requested, the right to counseling regarding
12 acquired immune deficiency syndrome (AIDS) and human
13 immunodeficiency virus (HIV) infection; ~~and~~

14 (4) if requested, the right to be informed about, and
15 confer with the attorney representing the state regarding, the
16 disposition of the offense, including sharing the victim's,
17 guardian's, or relative's views regarding:

18 (A) a decision not to file charges;

19 (B) the dismissal of charges;

20 (C) the use of a pretrial intervention program;

21 or

22 (D) a plea bargain agreement; and

23 (5) for the victim, the right to:

24 (A) testing for acquired immune deficiency
25 syndrome (AIDS), human immunodeficiency virus (HIV) infection,
26 antibodies to HIV, or infection with any other probable causative
27 agent of AIDS; and

1 (B) a forensic medical examination to the extent
2 provided by Subchapters F and G if, within 120 hours of the offense:

3 (i) the offense is reported to a law
4 enforcement agency; or

5 (ii) a forensic medical examination is
6 otherwise conducted by ~~at~~ a health care provider.

7 (b) Subject to Subsection (c), a [A] victim, guardian of a
8 victim, or close relative of a deceased victim who requests to be
9 notified or receive information under Subsection (a)(1), (2), or
10 (4) ~~[(a)(2)]~~ must:

11 (1) provide a current address and phone number to the
12 attorney representing the state and the law enforcement agency that
13 is investigating the offense; and

14 (2) ~~[-. The victim, guardian, or relative must]~~ inform
15 the attorney representing the state and the law enforcement agency
16 of any change in the address or phone number.

17 (c) A victim, guardian of a victim, or close relative of a
18 deceased victim may designate a person, including an entity that
19 provides services to victims of an offense described by Subsection
20 (a) ~~[sexual assault]~~, to receive any notice requested under
21 Subsection (a)(2).

22 SECTION 2. Subchapter B, Chapter 56A, Code of Criminal
23 Procedure, is amended by adding Article 56A.0531 to read as
24 follows:

25 Art. 56A.0531. ASSERTION OF RIGHTS. A victim, guardian of a
26 victim, or close relative of a deceased victim may assert the rights
27 provided by this chapter either orally or in writing.

1 SECTION 3. This Act takes effect September 1, 2023.