

By: Hinojosa

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); and

(C) the statewide electronic tracking system established under Section 420.034, Government Code, including the ability to track or receive updates regarding any evidence

1 described by Paragraph (A) as provided by Section 420.034(c)(4),
2 Government Code;

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

4 (A) at the time a request is submitted to a crime
5 laboratory to process and analyze any evidence that was collected
6 during the investigation of the offense;

7 (B) at the time of the submission of a request to
8 compare any biological evidence collected during the investigation
9 of the offense with DNA profiles maintained in a state or federal
10 DNA database; and

11 (C) of the results of the comparison described by
12 Paragraph (B), unless disclosing the results would interfere with
13 the investigation or prosecution of the offense, in which event the
14 victim, guardian, or relative shall be informed of the estimated
15 date on which those results are expected to be disclosed;

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

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

23 (A) a decision not to file charges;

24 (B) the dismissal of charges;

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

26 or

27 (D) a plea bargain agreement; and

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

2 (A) testing for acquired immune deficiency
3 syndrome (AIDS), human immunodeficiency virus (HIV) infection,
4 antibodies to HIV, or infection with any other probable causative
5 agent of AIDS; and

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

8 (i) the offense is reported to a law
9 enforcement agency; or

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

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

16 (1) provide a current address and phone number to the
17 attorney representing the state and the law enforcement agency that
18 is investigating the offense; and

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

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

27 SECTION 2. Subchapter **B**, Chapter **56A**, Code of Criminal

1 Procedure, is amended by adding Article 56A.0531 to read as
2 follows:

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

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