

By: Gutierrez

S.B. No. 2298

A BILL TO BE ENTITLED

AN ACT

relating to crime victims' compensation.

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

SECTION 1. Articles 56B.003(10) and (14), Code of Criminal Procedure, are amended to read as follows:

(10) "Pecuniary loss" means the amount of the expense reasonably and necessarily incurred as a result of personal injury or death for:

(A) medical, hospital, nursing, or psychiatric care or counseling, or physical therapy;

(B) actual loss of past earnings and anticipated loss of future earnings and necessary travel expenses because of:

(i) a disability resulting from the personal injury;

(ii) the receipt of medically indicated services related to the disability; or

(iii) participation in or attendance at investigative, prosecutorial, or judicial processes or any postconviction or postadjudication proceeding relating to criminally injurious conduct;

(C) care of a child or dependent, including specialized care for a child who is a victim;

(D) funeral and burial expenses, including, for an immediate family member or ~~a~~ household member of the victim,

1 the necessary expenses of traveling to and attending the funeral;

2 (E) loss of support to a dependent, consistent
3 with Article 56B.057(b)(5);

4 (F) reasonable and necessary costs of cleaning
5 the crime scene;

6 (G) reasonable replacement costs for clothing,
7 bedding, or property of the victim seized as evidence or rendered
8 unusable as a result of the criminal investigation;

9 (H) reasonable and necessary costs for
10 relocation and housing rental assistance payments for a victim of
11 stalking, family violence, trafficking of persons, or sexual
12 assault or a child who is a victim of a murder attempt [~~as provided~~
13 ~~by Article 56B.106(c)~~];

14 (I) for an immediate family member or a household
15 member of a deceased victim, bereavement leave [~~of not more than 10~~
16 ~~work days~~]; [~~and~~]

17 (J) reasonable and necessary costs of traveling
18 to and from a place of execution to witness the execution, including
19 one night's lodging near the place where the execution is
20 conducted; and

21 (K) for a child described by Subdivision 14(D),
22 losses are limited to psychiatric care or counseling, and for an
23 immediate family member or household member of a child described by
24 Subdivision (14)(D), the necessary expenses of traveling to and
25 attending the funeral of a victim.

26 (14) "Victim" means:

27 (A) an individual who:

1 (i) suffers personal injury or death as a
2 result of criminally injurious conduct or as a result of actions
3 taken by the individual as an intervenor, if the conduct or actions
4 occurred in this state; and

5 (ii) is a resident of this state or another
6 state of the United States;

7 (B) an individual who:

8 (i) suffers personal injury or death as a
9 result of criminally injurious conduct or as a result of actions
10 taken by the individual as an intervenor, if the conduct or actions
11 occurred in a state or country that does not have a crime victims'
12 compensation program that meets the requirements of Section
13 1403(b), Victims of Crime Act of 1984 (34 U.S.C. Section 20102(b));

14 (ii) is a resident of this state; and

15 (iii) would be entitled to compensation
16 under this chapter if the criminally injurious conduct or actions
17 had occurred in this state; ~~or~~

18 (C) an individual who:

19 (i) suffers personal injury or death as a
20 result of criminally injurious conduct caused by an act of
21 international terrorism as defined by 18 U.S.C. Section 2331
22 committed outside of the United States; and

23 (ii) is a resident of this state; or ~~or~~

24 (D) an individual who:

25 (i) is a child who is enrolled in a public
26 or private primary or secondary school where criminally injurious
27 conduct occurs, and as a result of the criminally injurious conduct

1 the governor has declared a disaster under Section 418.014,
2 Government Code; and

3 (ii) is a resident of this state.

4 SECTION 2. Articles 56B.102(a) and (c), Code of Criminal
5 Procedure, are amended to read as follows:

6 (a) The [~~Before acting on an application for compensation~~
7 ~~under this chapter, the~~] attorney general by rule may establish a
8 process to make an emergency award if it appears likely that[+]

9 [~~(1) a final award will be made; and~~

10 [~~(2)~~] the claimant or victim will suffer undue
11 hardship if immediate economic relief is not obtained.

12 (c) The rules may provide that the amount of an emergency
13 award [~~must~~] be:

14 (1) deducted from the final award; or

15 (2) repaid by and recoverable from the claimant or
16 victim to the extent the emergency award exceeds the final award.

17 SECTION 3. Section 552.132(c), Government Code, is amended
18 to read as follows:

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

25 SECTION 4. The following provisions of the Code of Criminal
26 Procedure are repealed:

27 (1) Article 56B.102(b); and

1 (2) Articles 56B.106(c) and (d).

2 SECTION 5. Chapter 56B, Code of Criminal Procedure, as
3 amended by this Act, applies only to compensation for criminally
4 injurious conduct occurring on or after the effective date of this
5 Act. Compensation for criminally injurious conduct occurring
6 before the effective date of this Act is governed by the law in
7 effect on the date the conduct occurred, and the former law is
8 continued in effect for that purpose. For purposes of this section,
9 criminally injurious conduct occurred before the effective date of
10 this Act if any element of the offense underlying the conduct
11 occurred before that date.

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