

BILL ANALYSIS

S.B. 1120
By: Hinojosa, Juan "Chuy"
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The crime victims' rights statute in the Code of Criminal Procedure gives victims of sexual assault, stalking, or indecent assault the right to confer with the prosecutor on disposition decisions, including plea agreements, rather than solely getting notice of those decisions. Family violence victims do not currently have this right.

The bill sponsor has informed the committee that often victims find the legal process retraumatizing and challenging to navigate despite trying to seek justice, and that while some victims choose to report violence to police, others are hesitant to participate with prosecution and the courts because of fear of future violence, distrust of the criminal justice system, and a lack of perceived benefits. The bill sponsor has further informed the committee that extending the right to confer on disposition decisions and possible plea agreements would allow victims a voice and sense of agency in the outcome of the case and may increase the victim's willingness to participate. The ability to confer would provide a critical opportunity for the victim to express how a potential agreement could impact their safety, which may lead to additional supportive services and resources for the victim.

S.B. 1120 includes victims of family violence among the victims to whom the crime victims' rights statute applies and sets out provisions that, among other things, allow for family violence victims to confer with prosecutors on dispositions for applicable offenses, including potential plea agreements.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1120 amends the Code of Criminal Procedure to establish and revise provisions relating to rights of a victim, guardian of a victim, or close relative of a deceased victim in certain criminal cases involving family violence, sexual or assaultive offenses, stalking, or a violation of a protective order or condition of bond. For purposes of statutory provisions governing the rights of crime victims, the bill does the following:

- revises the definition of "victim" to include the following persons:
 - a person who is the victim of family violence or stalking; and
 - a person who is the victim of certain offenses involving the following types of violations, if a violation that is an element of the offense occurred through the commission of an assault, aggravated assault, or sexual assault or the offense of stalking, regardless of whether that violation occurred with respect to a person

with whom the defendant has a dating, family, or household relationship or association:

- a violation of certain court orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case;
 - a violation of a protective order preventing an offense caused by bias or prejudice; or
 - repeated violation of certain court orders or condition of bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case; and
- defines "family violence" as any of the following offenses committed against a person with whom the defendant has a dating, family, or household relationship or association:
 - continuous sexual abuse of a young child or disabled individual;
 - indecency with a child in which the actor engages in sexual contact with a child or causes a child to engage in sexual contact;
 - assault or aggravated assault;
 - sexual assault or aggravated sexual assault;
 - injury to a child, elderly individual, or disabled individual; and
 - continuous violence against the family.

General Rights of Victims With the Criminal Justice System

S.B. 1120 makes the right of a victim of assault or sexual assault who is younger than 17 years of age or whose case involves family violence, or a guardian of such a victim or a close relative of such a victim who is deceased, to have the court consider the impact on the victim of a continuance requested by the defendant also applicable to victims of aggravated assault who meet such criteria. The bill removes the specification that, for purposes of this provision, "family violence" has the meaning assigned under Family Code provisions relating to protective orders.

Additional Rights of Victims of Sexual Assault, Indecent Assault, or Trafficking

S.B. 1120 specifies that the person designated by a victim, guardian of a victim, or close relative of a deceased victim of certain sexual assault or indecent assault offenses for purposes of receiving any requested notice regarding a request to submit applicable evidence to a crime laboratory, a request to compare applicable biological evidence using a DNA database, or the results of such a comparison may not be the person charged with the offense.

Additional Rights of Victims of Certain Family Violence Offenses, Stalking, and Violation of Protective Order or Condition of Bond

S.B. 1120 removes a victim, guardian of a victim, or close relative of a deceased victim of stalking from the victims entitled to certain additional rights within the criminal justice system currently specified under state law for victims of sexual assault, indecent assault, or trafficking. Instead, the bill entitles a victim, guardian of a victim, or close relative of a deceased victim of any of the following offenses to additional rights within the criminal justice system specified under subsequent bill provisions:

- an offense involving family violence;
- stalking; or
- certain offenses involving the following types of violations, if a violation that is an element of the offense occurred through the commission of an assault, aggravated assault, or sexual assault or the offense of stalking, regardless of whether that violation occurred with respect to a person with whom the defendant has a dating, family, or household relationship or association:
 - a violation of certain court orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case;

- a violation of a protective order preventing an offense caused by bias or prejudice; or
- repeated violations of certain court orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case.

S.B. 1120 entitles a victim, guardian of a victim, or close relative of a deceased victim of any of those specified offenses to the following rights within the criminal justice system:

- if requested, the right to a disclosure of information regarding the following:
 - 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 must be informed of the estimated date on which that information is expected to be disclosed; and
 - the status of any analysis being performed on such evidence;
- if requested, the right to be notified at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;
- if requested, the right to be informed about, and confer with the state's attorney regarding, the disposition of the offense, including sharing the victim's, guardian's, or relative's views regarding:
 - a decision not to file charges;
 - the dismissal of charges;
 - the use of a pretrial intervention program; or
 - a plea bargain agreement;
- the right to be notified that the state's attorney does not represent the victim, guardian of a victim, or close relative of a deceased victim; and
- for a stalking offense, all of the rights provided to victims, parents, and guardians for a victim who is younger than 18 years of age or an adult ward under provisions relating to the additional rights of victims of sexual assault, indecent assault, or trafficking.

S.B. 1120 requires a victim, guardian of a victim, or close relative of a deceased victim of any of the specified offenses who requests to be notified or receive information under these bill provisions to do the following:

- provide a current address and phone number to the state's attorney and the law enforcement agency that is investigating the offense;
- inform the state's attorney and the law enforcement agency of any change in the address or phone number; and
- if the victim, guardian, or relative chooses to receive notifications by email, provide an email address and update any change in that email address.

The bill authorizes the victim, guardian of a victim, or close relative of a deceased victim to designate a person, including an entity that provides services to any victims of the applicable offenses, to receive any requested notice of a request to submit applicable evidence to a crime laboratory. This designated person may not be the person charged with the offense.

S.B. 1120 establishes that if a victim of an offense to which the additional rights prescribed by the bill apply is also entitled to additional rights under the existing statute relating to the additional rights of victims of sexual assault, indecent assault or trafficking, or if a conflict exists between the bill's provisions and that existing statute, the existing statute controls.

Notification by Certain Entities of Release or Escape

S.B. 1120 removes the specification that "family violence" has the meaning assigned by Family Code provisions relating to protective orders for purposes relating to notification by certain entities of a defendant's release or escape.

Applicability

S.B. 1120 applies only to an offense committed on or after the bill's effective date. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.