

BILL ANALYSIS

Senate Research Center
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S.B. 1120
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Article 56A.052 of the Code of Criminal Procedure, the crime victims' rights statute grants victims of sexual assault, stalking, indecent assault, and trafficking the right to confer with prosecutors on disposition decisions including plea agreements, rather than solely getting notice of those decisions. However, victims of family violence do not currently have this same right.

S.B. 1120 adds a definition of family violence in Article 56A.001 of the Code of Criminal Procedure and adds a new section, Article 56A.0521, focused on the rights of family violence victims, allowing for family violence victims to confer with prosecutors on dispositions for certain family violence offenses, including potential plea agreements.

As proposed, S.B. 1120 amends current law 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.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 56A.001, Code of Criminal Procedure, by adding Subdivision (4-a) and amending Subdivision (7) to define "family violence" and to redefine "victim."

SECTION 2. Amends Article 56A.051(a), Code of Criminal Procedure, as follows:

(a) Entitles a victim, guardian of a victim, or close relative of a deceased victim to certain rights within the criminal justice system, including for a victim of assault, aggravated assault, or sexual assault who is younger than 17 years of age or whose case involves family violence, rather than family violence as defined by Section 71.004 (Family Violence), Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant.

SECTION 3. Amends the heading to Article 56A.052, Code of Criminal Procedure, to read as follows:

Art. 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL ASSAULT, INDECENT ASSAULT, OR TRAFFICKING.

SECTION 4. Amends Articles 56A.052(a), (c), and (d), Code of Criminal Procedure, as follows:

(a) Deletes existing text entitling a victim, guardian of a victim, or close relative of a deceased victim of an offense under Section 42.072 (Stalking), Penal Code, to certain rights within the criminal justice system. Makes a nonsubstantive change.

(c) Prohibits a person designated to receive a certain notice from being the person charged with an offense described by Subsection (a).

(d) Makes a conforming change to this subsection.

SECTION 5. Amends Subchapter B, Chapter 56A, Code of Criminal Procedure, by adding Article 56A.0521, as follows:

Art. 56A.0521. ADDITIONAL RIGHTS OF VICTIMS OF CERTAIN FAMILY VIOLENCE OFFENSES, STALKING, AND VIOLATION OF PROTECTIVE ORDER OR CONDITION OF BOND. (a) Provides that this article applies only to certain offenses.

(b) Entitles certain persons 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 any evidence described by Paragraph (A);

(2) 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;

(3) if requested, the right to be informed about, and confer with the attorney representing the state 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;

(4) the right to be notified that the attorney representing the state does not represent the victim, guardian of a victim, or close relative of a deceased victim; and

(5) for an offense under Section 42.072, Penal Code, all of the rights provided to victims, parents, and guardians as described by Article 56A.052(d), for the offenses to which that subsection applies.

(c) Requires certain persons who request to be notified or receive information under Subsection (b), subject to Subsection (d), to:

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

(2) inform the attorney representing the state and the law enforcement agency of any change in the address or phone number; and

(3) if the victim, guardian, or relative chooses to receive notifications by e-mail, provide an e-mail address and update any change in that e-mail address.

(d) Authorizes certain persons to designate a person, including an entity that provides services to victims of an offense described by Subsection (a), to receive

any notice requested under Subsection (b)(2). Prohibits this person from being the person charged with the offense.

(e) Provides that, if a victim of an offense described by Subsection (a) is also entitled to additional rights under Article 56A.052, or if a conflict exists between this article and Article 56A.052, that article controls.

SECTION 6. Amends Article 56A.501, Code of Criminal Procedure, as follows:

Art. 56A.501. New heading: DEFINITION. Deletes existing text defining "family violence."

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2025.