

## **BILL ANALYSIS**

Senate Research Center  
89R9037 MCF-D

S.B. 1704  
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Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Crime victims and their families often face challenges navigating the criminal justice system, particularly regarding their rights, access to information, and opportunities to provide input. The existing framework provides protections and rights to victims, but gaps remain in ensuring timely and clear communication, safeguarding victims from undue harm, and empowering them to actively participate in the justice process.

S.B. 1704 seeks to strengthen the rights of crime victims and their families within the criminal justice system. The bill enhances the information provided to victims by requiring that the sentencing court notify victims of a modification or amendment to the defendant's sentence, not later than three days after the date on which the modification or amendment was made. Further, it makes notification of sentencing and release information automatic. Victims can now waive that right, rather than having to opt-in.

As proposed, S.B. 1704 amends current law relating to certain rights of crime victims and witnesses and associated persons and to victim impact statements.

### **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.051(a), Code of Criminal Procedure, as follows:

(a) Provides that, a victim, guardian of a victim, or close relative of a deceased victim is entitled to certain rights within the criminal justice system, including, if requested, the right to be informed in the manner provided by Article 56A.0525 (Authorized Form of Notifications) by the sentencing court of a modification or amendment to the defendant's sentence, not later than three days after the date on which the modification or amendment was made and the right to be notified in the manner provided by Article 56A.0525, unless waived as provided by Article 56A.1511, rather than if requested, of parole proceedings concerning a defendant in the victim's case and of the defendant's release. Makes a nonsubstantive change.

SECTION 2. Amends Articles 56A.151(b) and (c), Code of Criminal Procedure, as follows:

(b) Requires that the victim impact statement be in a form designed to achieve certain aims, including informing a victim, guardian of a victim, or close relative of a deceased victim of the rights granted by Subchapter B (Crime Victims' Rights), with a clear statement of those rights and that certain information will be provided unless the victim, guardian, or relative waives the right to receive the information under Article 56A.1511.

Deletes existing text requiring that the victim impact statement be in a form designed to collect a statement regarding whether the victim, guardian, or relative wants to be notified of any parole hearing for the defendant. Makes nonsubstantive changes.

(c) Requires that the victim impact statement include an explanation regarding the procedures by which a victim, guardian of a victim, or close relative of a deceased victim may be provided the information described by Subsection (b)(1)(B) (relating to certain information that will be provided to the victim, guardian, or relative) after previously waiving the right to receive the information under Article 56A.1511, rather than obtain information concerning the release of the defendant from the Texas Department of Criminal Justice (TDCJ).

SECTION 3. Amends Subchapter D, Chapter 56A, Code of Criminal Procedure, by adding Article 56A.1511, as follows:

Art. 56A.1511. **WAIVER OF RIGHT TO CERTAIN INFORMATION.** Authorizes a person who completes a victim impact statement under Article 56A.151 to waive the right to receive the information described by Article 56A.151(b)(1)(B) and, on notice to TDCJ in the manner prescribed by TDCJ, elect to be provided the information described by Article 56A.151(b)(1)(B) after previously waiving the right.

SECTION 4. Amends Article 56A.152, Code of Criminal Procedure, as follows:

Art. 56A.152. **RECOMMENDATIONS TO ENSURE SUBMISSION OF STATEMENT.** Requires the victim services division of TDCJ, in consultation with the Texas Board of Pardons and Paroles (BPP), law enforcement agencies, offices of attorneys representing the state, and other participants in the criminal justice system and in consultation with health care professionals who provide health care services to victims, to develop recommendations to increase the number of victim impact statements that are completed. Makes a nonsubstantive changes.

SECTION 5. Amends Article 56A.153, Code of Criminal Procedure, to make a nonsubstantive change.

SECTION 6. Amends Article 56A.154, Code of Criminal Procedure, as follows:

Art. 56A.154. **CHANGE OF ADDRESS.** Requires a victim, guardian of a victim, or close relative of a deceased victim, if the victim, guardian, or relative has not waived the right to receive information described by Article 56A.151(b)(1)(B), rather than states on a victim impact statement that the victim, guardian, or relative wants to be notified of parole proceedings, to notify BPP of any change of address.

SECTION 7. Amends Article 56A.505, Code of Criminal Procedure, as follows:

Art. 56A.505. New heading: **WAIVER OF RIGHT TO CERTAIN INFORMATION.** Requires the attorney who represented the state in the prosecution of the case, not later than immediately following the conviction of a defendant for an offense described by Article 56A.502 (Applicability), to notify in writing a victim or witness described by Article 56A.503(a) (relating to requiring TDCJ or the sheriff to notify a victim of the offense or certain persons who testified in the course when a defendant convicted of an offense is released or escapes) of the victim's or witness's ability to waive the right to receive notice under Subchapter K (Notification by Certain Entities of Release or Escape) and the manner in which the victim is authorized to notify TDCJ, the sheriff, or the community supervision and corrections department supervising the defendant, as appropriate, if the victim or witness elects to be provided notice under this subchapter after previously waiving the right.

SECTION 8. Amends Article 56A.552, Code of Criminal Procedure, as follows:

Art. 56A.552. **NOTIFICATION OF VICTIM.** Requires TDCJ to immediately notify the victim of an offense, the victim's guardian, or the victim's close relative if the victim is deceased, subject to a waiver of notification under, rather than if the victim, victim's guardian, or victim's close relative has notified TDCJ as provided by, Article 56A.554, when the defendant escapes or is transferred from the custody of certain facilities.

SECTION 9. Amends Article 56A.553, Code of Criminal Procedure, to make a conforming change.

SECTION 10. Amends Article 56A.554, Code of Criminal Procedure, as follows:

Art. 56A.544. New heading: ADDRESS FOR NOTIFICATION; WAIVER. (a) Creates this subsection from existing text. Requires a victim, witness, guardian, or close relative, for purposes of receiving TDCJ notification required under Subchapter L (Notification by Department of Escape or Transfer), to provide TDCJ with the e-mail address, mailing address, and telephone number of the victim, witness, guardian, or close relative and notify TDCJ of any change of address or telephone number of the victim, witness, guardian, or close relative. Makes a nonsubstantive change.

(b) Creates this subsection from existing text. Authorizes a victim, witness, guardian, or close relative to waive the right to TDCJ notification required under this subchapter by providing notice to TDCJ of that fact and on notice to TDCJ in the manner prescribed by TDCJ, elect to be provided TDCJ notification after previously waiving the right.

Deletes existing text requiring a victim, witness, guardian, or close relative who wants notification of a defendant's escape or transfer from custody under a writ of attachment or bench warrant to notify TDCJ of that fact and of any change of address.

SECTION 11. Effective date: September 1, 2025.