

1-1 By: Hinojosa of Hidalgo S.B. No. 761
1-2 (In the Senate - Filed January 10, 2025; February 7, 2025,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 19, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 19, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Flores	X			
1-10	Parker	X			
1-11	Hagenbuch	X			
1-12	Hinojosa of Hidalgo	X			
1-13	Huffman	X			
1-14	King	X			
1-15	Miles	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 761 By: Miles

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to rights of crime victims, including the enforcement of
1-20 certain rights of sexual assault victims; authorizing a civil
1-21 penalty.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Article 26.13(e), Code of Criminal Procedure, is
1-24 amended to read as follows:

1-25 (e) Before accepting a plea of guilty or a plea of nolo
1-26 contendere, the court shall, as applicable in the case:

1-27 (1) inquire as to whether a victim impact statement
1-28 has been returned to the attorney representing the state and ask for
1-29 a copy of the statement if one has been returned; and

1-30 (2) inquire as to whether the attorney representing
1-31 the state has:

1-32 (A) given notice, at least five business days
1-33 before the date of the presentation of the agreement to the court or
1-34 otherwise as soon as reasonably practicable, of the existence and
1-35 terms of any plea bargain agreement to the victim, guardian of a
1-36 victim, or close relative of a deceased victim, as those terms are
1-37 defined by Article 56A.001; and

1-38 (B) conferred with the victim, guardian of a
1-39 victim, or close relative of a deceased victim regarding the
1-40 disposition of the case.

1-41 SECTION 2. Article 56A.051(a), Code of Criminal Procedure,
1-42 is amended to read as follows:

1-43 (a) A victim, guardian of a victim, or close relative of a
1-44 deceased victim is entitled to the following rights within the
1-45 criminal justice system:

1-46 (1) the right to receive from a law enforcement agency
1-47 adequate protection from harm and threats of harm arising from
1-48 cooperation with prosecution efforts;

1-49 (2) the right to have the magistrate consider the
1-50 safety of the victim or the victim's family in setting the amount of
1-51 bail for the defendant;

1-52 (3) if requested, the right to be informed in the
1-53 manner provided by Article 56A.0525:

1-54 (A) by the attorney representing the state of
1-55 relevant court proceedings, including appellate proceedings, at
1-56 least five business days before the date of each proceeding or
1-57 otherwise as soon as reasonably practicable, and to be informed as
1-58 soon as possible if those proceedings have been canceled or
1-59 rescheduled before the event; and

1-60 (B) by an appellate court of the court's

2-1 decisions, after the decisions are entered but before the decisions
 2-2 are made public;

2-3 (4) when requested, the right to be informed in the
 2-4 manner provided by Article 56A.0525:

2-5 (A) by a peace officer concerning the defendant's
 2-6 right to bail and the procedures in criminal investigations; and

2-7 (B) by the office of the attorney representing
 2-8 the state concerning the general procedures in the criminal justice
 2-9 system, including general procedures in guilty plea negotiations
 2-10 and arrangements, restitution, and the appeals and parole process;

2-11 (5) the right to provide pertinent information to a
 2-12 community supervision and corrections department conducting a
 2-13 presentencing investigation concerning the impact of the offense on
 2-14 the victim and the victim's family by testimony, written statement,
 2-15 or any other manner before any sentencing of the defendant;

2-16 (6) the right to receive information, in the manner
 2-17 provided by Article 56A.0525:

2-18 (A) regarding compensation to victims of crime as
 2-19 provided by Chapter 56B, including information related to the costs
 2-20 that may be compensated under that chapter and the amount of
 2-21 compensation, eligibility for compensation, and procedures for
 2-22 application for compensation under that chapter;

2-23 (B) for a victim of a sexual assault, regarding
 2-24 the payment under Subchapter G for a forensic medical examination;
 2-25 and

2-26 (C) when requested, providing a referral to
 2-27 available social service agencies that may offer additional
 2-28 assistance;

2-29 (7) the right to:

2-30 (A) be informed, on request, and in the manner
 2-31 provided by Article 56A.0525, of parole procedures;

2-32 (B) participate in the parole process;

2-33 (C) provide to the board for inclusion in the
 2-34 defendant's file information to be considered by the board before
 2-35 the parole of any defendant convicted of any offense subject to this
 2-36 chapter; and

2-37 (D) be notified in the manner provided by
 2-38 Article 56A.0525, if requested, of parole proceedings concerning a
 2-39 defendant in the victim's case and of the defendant's release;

2-40 (8) the right to be provided with a waiting area,
 2-41 separate or secure from other witnesses, including the defendant
 2-42 and relatives of the defendant, before testifying in any proceeding
 2-43 concerning the defendant; if a separate waiting area is not
 2-44 available, other safeguards should be taken to minimize the
 2-45 victim's contact with the defendant and the defendant's relatives
 2-46 and witnesses, before and during court proceedings;

2-47 (9) the right to the prompt return of any of the
 2-48 victim's property that is held by a law enforcement agency or the
 2-49 attorney representing the state as evidence when the property is no
 2-50 longer required for that purpose;

2-51 (10) the right to have the attorney representing the
 2-52 state notify the victim's employer, if requested, that the victim's
 2-53 cooperation and testimony is necessary in a proceeding that may
 2-54 require the victim to be absent from work for good cause;

2-55 (11) the right to request victim-offender mediation
 2-56 coordinated by the victim services division of the department;

2-57 (12) the right to be informed, in the manner provided
 2-58 by Article 56A.0525, of the uses of a victim impact statement and
 2-59 the statement's purpose in the criminal justice system as described
 2-60 by Subchapter D, to complete the victim impact statement, and to
 2-61 have the victim impact statement considered:

2-62 (A) by the attorney representing the state and
 2-63 the judge before sentencing or before a plea bargain agreement is
 2-64 accepted; and

2-65 (B) by the board before a defendant is released
 2-66 on parole;

2-67 (13) for a victim of an assault or sexual assault who
 2-68 is younger than 17 years of age or whose case involves family
 2-69 violence, as defined by Section 71.004, Family Code, the right to

have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by the defendant's attorney, the court shall state on the record the reason for granting or denying the continuance; and

(14) if the offense is a capital felony, the right to:
 (A) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist;

(B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and

(C) designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.

SECTION 3. Article 56A.0531, Code of Criminal Procedure, is amended to read as follows:

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

SECTION 4. Article 56A.351, Code of Criminal Procedure, is amended by amending Subsection (e) and adding Subsections (f), (g), (h), and (i) to read as follows:

(e) Any individual or entity, including a health care facility, that provides an advocate with access under Subsection (a) to a victim consenting to a forensic medical examination is not subject to civil or criminal liability for providing that access. ~~[In this article, "health care facility" includes a hospital licensed under Chapter 241, Health and Safety Code.]~~

(f) An individual or entity, including a health care facility, that is required to offer a victim the opportunity to have an advocate from a sexual assault program be present with the victim during the forensic medical examination shall document:

(1) whether the offer was extended to the victim;
 (2) whether the advocate was available at the time of the examination; and

(3) if the offer was not extended to the victim, the reason the offer was not extended to the victim.

(g) An individual or entity, including a health care facility, that does not offer a victim the opportunity to have an advocate be present, as required by Subsection (a), or that otherwise prevents a victim from gaining access to an advocate described by that subsection for a reason other than the unavailability of the advocate, is:

(1) liable to this state for a civil penalty in the amount of \$1,000 for each violation; and

(2) subject to, if the individual or entity is designated as a SAFE-ready facility or SAFE program, as those terms are defined by Section 323.001, Health and Safety Code, removal of the facility's or program's designation by the Health and Human Services Commission or Department of State Health Services, as applicable, under Chapter 323, Health and Safety Code.

(h) The attorney general may bring an action to recover the civil penalty imposed under Subsection (g)(1).

(i) In this article, "health care facility" includes a hospital licensed under Chapter 241, Health and Safety Code.

SECTION 5. Article 56A.3515, Code of Criminal Procedure, is amended by amending Subsections (a), (b), (b-1), (d), and (f) and adding Subsection (b-2) to read as follows:

(a) Before conducting an investigative interview with a victim reporting a sexual assault, other than a victim who is a minor as defined by Section 101.003, Family Code, the peace officer or other individual conducting the interview shall offer the victim the opportunity to have an advocate from a sexual assault program, as defined by Section 420.003, Government Code, be present with the victim during the interview, if the advocate is available at the time of the interview. The advocate must have completed a sexual

4-1 assault training program described by Section [420.011\(b\)](#),
 4-2 Government Code.

4-3 (b) If an advocate described by Subsection (a) is not
 4-4 available at the time of the interview, the peace officer or other
 4-5 individual conducting the interview shall offer the victim the
 4-6 opportunity to have a crime victim liaison from the law enforcement
 4-7 agency, a peace officer who has completed a sexual assault training
 4-8 program described by Section [420.011\(b\)](#), Government Code, or a
 4-9 victim's assistance counselor from a state or local agency or other
 4-10 entity be present with the victim during the interview.

4-11 (b-1) The peace officer or other individual conducting an
 4-12 investigative interview described by Subsection (a) shall make a
 4-13 good faith effort to comply with Subsections (a) and (b), except
 4-14 that the officer's or individual's compliance with those
 4-15 subsections may not unreasonably delay or otherwise impede the
 4-16 interview process.

4-17 (b-2) A victim has the right to have an attorney present
 4-18 during an investigative interview with the victim. The attorney
 4-19 may not unreasonably delay or otherwise impede the interview
 4-20 process.

4-21 (d) The advocate, liaison, officer, or counselor and the
 4-22 sexual assault program or other entity providing the advocate,
 4-23 liaison, officer, or counselor may not unreasonably delay or
 4-24 otherwise impede the interview process.

4-25 (f) An individual or entity [~~A peace officer or law~~
 4-26 ~~enforcement agency~~] that provides an advocate, liaison, officer, or
 4-27 counselor with access to a victim reporting a sexual assault is not
 4-28 subject to civil or criminal liability for providing that access.

4-29 SECTION 6. Article [56A.451](#), Code of Criminal Procedure, is
 4-30 amended to read as follows:

4-31 Art. 56A.451. NOTIFICATION OF RIGHTS. (a) Not later than
 4-32 the 10th day after the date that an indictment or information is
 4-33 returned against a defendant for an offense, the attorney
 4-34 representing the state shall give to each victim of the offense a
 4-35 written notice containing:

4-36 (1) the case number and assigned court for the case;

4-37 (2) a brief general statement of each procedural stage
 4-38 in the processing of a criminal case, including bail, plea
 4-39 bargaining, parole restitution, and appeal;

4-40 (3) a statement that the attorney representing the
 4-41 state does not represent the victim, guardian of a victim, or close
 4-42 relative of a deceased victim;

4-43 (4) suggested steps the victim may take if the victim
 4-44 is subjected to threats or intimidation;

4-45 (5) [~~(4)~~] the name, address, and phone number of the
 4-46 local victim assistance coordinator; and

4-47 (6) [~~(5)~~] notification of:

4-48 (A) the rights and procedures under this chapter,
 4-49 Chapter [56B](#), and Subchapter B, Chapter [58](#);

4-50 (B) the right to file a victim impact statement
 4-51 with the office of the attorney representing the state and the
 4-52 department;

4-53 (C) the right to receive information:

4-54 (i) regarding compensation to victims of
 4-55 crime as provided by Chapter [56B](#), including information relating to
 4-56 the costs that may be compensated under that chapter, eligibility
 4-57 for compensation, and procedures for application for compensation
 4-58 under that chapter;

4-59 (ii) for a victim of a sexual assault,
 4-60 regarding the payment under Subchapter G for a forensic medical
 4-61 examination; and

4-62 (iii) providing a referral to available
 4-63 social service agencies that may offer additional assistance; [~~and~~]

4-64 (D) the right of a victim, guardian of a victim,
 4-65 or close relative of a deceased victim, as defined by Section
 4-66 [508.117](#), Government Code, to appear in person before a member of the
 4-67 board as provided by Section [508.153](#), Government Code; and

4-68 (E) the right of a victim, guardian of a victim,
 4-69 or close relative of a deceased victim to assert the rights granted

by this chapter either orally or in writing, and either individually or through an attorney, as provided by Article 56A.0531.

(b) The brief general statement required by Subsection (a)(2) that describes the plea bargaining stage in a criminal trial must include a statement that:

(1) a victim impact statement provided by a victim, guardian of a victim, or close relative of a deceased victim will be considered by the attorney representing the state in entering into a plea bargain agreement; and

(2) the judge before accepting a plea bargain agreement is required under Article 26.13(e) to ask:

(A) whether a victim impact statement has been returned to the attorney representing the state;

(B) if a victim impact statement has been returned, for a copy of the statement; and

(C) whether the attorney representing the state has given the victim, guardian of a victim, or close relative of a deceased victim notice of the existence and terms of the plea bargain agreement at least five business days before the date of the presentation of a plea bargain agreement to the court or otherwise as soon as reasonably practicable.

SECTION 7. Article 56A.452, Code of Criminal Procedure, is amended to read as follows:

Art. 56A.452. NOTIFICATION OF SCHEDULED COURT PROCEEDINGS. (a) If requested by the victim, the attorney representing the state, at least five business days before the date of the court proceeding or the filing of the continuance request or otherwise as soon [far] as reasonably practicable [practical], shall give the victim notice of:

(1) any scheduled court proceedings [~~and changes in that schedule~~]; and

(2) the filing of a request for continuance of a trial setting.

(b) If requested by the victim, the attorney representing the state shall give the victim notice of any changes in scheduled court proceedings as soon as possible.

SECTION 8. Article 56A.453, Code of Criminal Procedure, is amended to read as follows:

Art. 56A.453. NOTIFICATION OF PLEA BARGAIN AGREEMENT. The attorney representing the state, at least five business days before the date of the presentation of a plea bargain agreement to the court or otherwise as soon [far] as reasonably practicable [practical], shall give a victim, guardian of a victim, or close relative of a deceased victim notice of the existence and terms of any plea bargain agreement to be presented to the court.

SECTION 9. The change in law made by this Act applies only to victims of criminally injurious conduct occurring on or after the effective date of this Act. Criminally injurious conduct occurring before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, criminally injurious conduct occurred before the effective date of this Act if any element of the offense underlying the conduct occurred before that date.

SECTION 10. This Act takes effect September 1, 2025.

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