

By: Hinojosa of Hidalgo, et al.
(Johnson)

S.B. No. 1120

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Article 56A.001, Code of Criminal Procedure, is amended by adding Subdivision (4-a) and amending Subdivision (7) to read as follows:

(4-a) "Family violence" means an offense under the following provisions of the Penal Code if the offense is committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code:

(A) Section 21.02;

(B) Section 21.11(a)(1);

(C) Section 22.01;

(D) Section 22.011;

(E) Section 22.02;

(F) Section 22.021;

(G) Section 22.04; and

(H) Section 25.11.

(7) "Victim" means a person who:

(A) is the victim of the offense of:

1 (i) sexual assault;
2 (ii) kidnapping;
3 (iii) aggravated robbery;
4 (iv) trafficking of persons; ~~[or]~~
5 (v) injury to a child, elderly individual,
6 or disabled individual; ~~[or]~~
7 (vi) family violence; or
8 (vii) stalking;
9 (B) has suffered personal injury or death as a
10 result of the criminal conduct of another; or
11 (C) is the victim of an offense committed under
12 Section 25.07, 25.071, 25.072, Penal Code, if a violation that is an
13 element of the offense occurred through the commission of an
14 assault, aggravated assault, or sexual assault or the offense of
15 stalking, regardless of whether that violation occurred with
16 respect to a person whose relationship to or association with the
17 defendant is described by Section 71.0021(b), 71.003, or 71.005,
18 Family Code.

19 SECTION 2. Article 56A.051(a), Code of Criminal Procedure,
20 is amended to read as follows:

21 (a) A victim, guardian of a victim, or close relative of a
22 deceased victim is entitled to the following rights within the
23 criminal justice system:

24 (1) the right to receive from a law enforcement agency
25 adequate protection from harm and threats of harm arising from
26 cooperation with prosecution efforts;

27 (2) the right to have the magistrate consider the

1 safety of the victim or the victim's family in setting the amount of
2 bail for the defendant;

3 (3) if requested, the right to be informed in the
4 manner provided by Article [56A.0525](#):

5 (A) by the attorney representing the state of
6 relevant court proceedings, including appellate proceedings, and
7 to be informed if those proceedings have been canceled or
8 rescheduled before the event; and

9 (B) by an appellate court of the court's
10 decisions, after the decisions are entered but before the decisions
11 are made public;

12 (4) when requested, the right to be informed in the
13 manner provided by Article [56A.0525](#):

14 (A) by a peace officer concerning the defendant's
15 right to bail and the procedures in criminal investigations; and

16 (B) by the office of the attorney representing
17 the state concerning the general procedures in the criminal justice
18 system, including general procedures in guilty plea negotiations
19 and arrangements, restitution, and the appeals and parole process;

20 (5) the right to provide pertinent information to a
21 community supervision and corrections department conducting a
22 presentencing investigation concerning the impact of the offense on
23 the victim and the victim's family by testimony, written statement,
24 or any other manner before any sentencing of the defendant;

25 (6) the right to receive information, in the manner
26 provided by Article [56A.0525](#):

27 (A) regarding compensation to victims of crime as

1 provided by Chapter 56B, including information related to the costs
2 that may be compensated under that chapter and the amount of
3 compensation, eligibility for compensation, and procedures for
4 application for compensation under that chapter;

5 (B) for a victim of a sexual assault, regarding
6 the payment under Subchapter G for a forensic medical examination;
7 and

8 (C) when requested, providing a referral to
9 available social service agencies that may offer additional
10 assistance;

11 (7) the right to:

12 (A) be informed, on request, and in the manner
13 provided by Article 56A.0525, of parole procedures;

14 (B) participate in the parole process;

15 (C) provide to the board for inclusion in the
16 defendant's file information to be considered by the board before
17 the parole of any defendant convicted of any offense subject to this
18 chapter; and

19 (D) be notified in the manner provided by
20 Article 56A.0525, if requested, of parole proceedings concerning a
21 defendant in the victim's case and of the defendant's release;

22 (8) the right to be provided with a waiting area,
23 separate or secure from other witnesses, including the defendant
24 and relatives of the defendant, before testifying in any proceeding
25 concerning the defendant; if a separate waiting area is not
26 available, other safeguards should be taken to minimize the
27 victim's contact with the defendant and the defendant's relatives

1 and witnesses, before and during court proceedings;

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

6 (10) the right to have the attorney representing the
7 state notify the victim's employer, if requested, that the victim's
8 cooperation and testimony is necessary in a proceeding that may
9 require the victim to be absent from work for good cause;

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

12 (12) the right to be informed, in the manner provided
13 by Article 56A.0525, of the uses of a victim impact statement and
14 the statement's purpose in the criminal justice system as described
15 by Subchapter D, to complete the victim impact statement, and to
16 have the victim impact statement considered:

17 (A) by the attorney representing the state and
18 the judge before sentencing or before a plea bargain agreement is
19 accepted; and

20 (B) by the board before a defendant is released
21 on parole;

22 (13) for a victim of an assault, aggravated assault,
23 or sexual assault who is younger than 17 years of age or whose case
24 involves family violence, ~~[as defined by Section 71.004, Family~~
25 ~~Code,~~] the right to have the court consider the impact on the victim
26 of a continuance requested by the defendant; if requested by the
27 attorney representing the state or by the defendant's attorney, the

1 court shall state on the record the reason for granting or denying
2 the continuance; and

3 (14) if the offense is a capital felony, the right to:

4 (A) receive by mail from the court a written
5 explanation of defense-initiated victim outreach if the court has
6 authorized expenditures for a defense-initiated victim outreach
7 specialist;

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

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

14 SECTION 3. The heading to Article 56A.052, Code of Criminal
15 Procedure, is amended to read as follows:

16 Art. 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL
17 ASSAULT, INDECENT ASSAULT, ~~[STALKING]~~ OR TRAFFICKING.

18 SECTION 4. Articles 56A.052(a), (c), and (d), Code of
19 Criminal Procedure, are amended to read as follows:

20 (a) A victim, guardian of a victim, or close relative of a
21 deceased victim of an offense under Section 21.02, 21.11, 22.011,
22 22.012, or 22.021, ~~[or 42.072]~~ Penal Code, is entitled to the
23 following rights within the criminal justice system:

24 (1) if requested, the right to a disclosure of
25 information, in the manner provided by Article 56A.0525, regarding:

26 (A) any evidence that was collected during the
27 investigation of the offense, unless disclosing the information

1 would interfere with the investigation or prosecution of the
2 offense, in which event the victim, guardian, or relative shall be
3 informed of the estimated date on which that information is
4 expected to be disclosed; and

5 (B) the status of any analysis being performed on
6 any evidence described by Paragraph (A);

7 (2) if requested, the right to be notified in the
8 manner provided by Article [56A.0525](#):

9 (A) at the time a request is submitted to a crime
10 laboratory to process and analyze any evidence that was collected
11 during the investigation of the offense;

12 (B) at the time of the submission of a request to
13 compare any biological evidence collected during the investigation
14 of the offense with DNA profiles maintained in a state or federal
15 DNA database; and

16 (C) of the results of the comparison described by
17 Paragraph (B), unless disclosing the results would interfere with
18 the investigation or prosecution of the offense, in which event the
19 victim, guardian, or relative shall be informed of the estimated
20 date on which those results are expected to be disclosed;

21 (3) if requested, the right to counseling regarding
22 acquired immune deficiency syndrome (AIDS) and human
23 immunodeficiency virus (HIV) infection;

24 (4) if requested, the right to be informed about, and
25 confer with the attorney representing the state regarding, the
26 disposition of the offense, including sharing the victim's,
27 guardian's, or relative's views regarding:

(A) a decision not to file charges;

(B) the dismissal of charges;

(C) the use of a pretrial intervention program;

or

(D) a plea bargain agreement; and

(5) for the victim, the right to:

(A) testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and

(B) a forensic medical examination as provided by Subchapter G.

(c) A victim, guardian of a victim, or close relative of a deceased victim may 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 (a)(2). This person may not be the person charged with the offense.

(d) This subsection applies only to a victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021, ~~42.072~~ or 43.05, Penal Code. A victim described by this subsection or a parent or guardian of the victim, if the victim is younger than 18 years of age or an adult ward, is entitled to the following rights within the criminal justice system:

(1) the right to be informed in the manner provided by Article 56A.0525:

(A) that the victim or, if the victim is younger than 18 years of age or an adult ward, the victim's parent or

1 guardian or another adult acting on the victim's behalf may file an
2 application for a protective order under Article 7B.001;

3 (B) of the court in which the application for a
4 protective order may be filed;

5 (C) that, on request of the victim or, if the
6 victim is younger than 18 years of age or an adult ward, on request
7 of the victim's parent or guardian or another adult acting on the
8 victim's behalf, the attorney representing the state may, subject
9 to the Texas Disciplinary Rules of Professional Conduct, file the
10 application for a protective order on behalf of the requestor; and

11 (D) that, subject to the Texas Disciplinary Rules
12 of Professional Conduct, the attorney representing the state
13 generally is required to file the application for a protective
14 order with respect to the victim if the defendant is convicted of or
15 placed on deferred adjudication community supervision for the
16 offense;

17 (2) the right to:

18 (A) request that the attorney representing the
19 state, subject to the Texas Disciplinary Rules of Professional
20 Conduct, file an application for a protective order described by
21 Subdivision (1); and

22 (B) be notified in the manner provided by Article
23 [56A.0525](#) when the attorney representing the state files an
24 application for a protective order under Article 7B.001;

25 (3) if the victim or the victim's parent or guardian,
26 as applicable, is present when the defendant is convicted or placed
27 on deferred adjudication community supervision, the right to:

(A) be given by the court the information described by Subdivision (1), in the manner provided by Article 56A.0525; and

(B) file an application for a protective order under Article 7B.001 immediately following the defendant's conviction or placement on deferred adjudication community supervision if the court has jurisdiction over the application; and

(4) if the victim or the victim's parent or guardian, as applicable, is not present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the attorney representing the state the information described by Subdivision (1), in the manner provided by Article 56A.0525.

SECTION 5. Subchapter B, Chapter 56A, Code of Criminal Procedure, is amended by adding Article 56A.0521 to read 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) This article applies only to an offense:

(1) involving family violence;
(2) under Section 42.072, Penal Code; or
(3) under Section 25.07, 25.071, or 25.072, Penal Code, 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 whose relationship to

1 or association with the defendant is described by Section
2 71.0021(b), 71.003, or 71.005, Family Code.

3 (b) A victim, guardian of a victim, or close relative of a
4 deceased victim of an offense described by Subsection (a) is
5 entitled to the following rights within the criminal justice
6 system:

7 (1) if requested, the right to a disclosure of
8 information regarding:

9 (A) any evidence that was collected during the
10 investigation of the offense, unless disclosing the information
11 would interfere with the investigation or prosecution of the
12 offense, in which event the victim, guardian, or relative shall be
13 informed of the estimated date on which that information is
14 expected to be disclosed; and

15 (B) the status of any analysis being performed on
16 any evidence described by Paragraph (A);

17 (2) if requested, the right to be notified at the time
18 a request is submitted to a crime laboratory to process and analyze
19 any evidence that was collected during the investigation of the
20 offense;

21 (3) if requested, the right to be informed about, and
22 confer with the attorney representing the state regarding, the
23 disposition of the offense, including sharing the victim's,
24 guardian's, or relative's views regarding:

25 (A) a decision not to file charges;

26 (B) the dismissal of charges;

27 (C) the use of a pretrial intervention program;

1 or

2 (D) a plea bargain agreement;

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

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

10 (c) Subject to Subsection (d), a victim, guardian of a
11 victim, or close relative of a deceased victim who requests to be
12 notified or receive information under Subsection (b) must:

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

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

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

22 (d) A victim, guardian of a victim, or close relative of a
23 deceased victim may designate a person, including an entity that
24 provides services to victims of an offense described by Subsection
25 (a), to receive any notice requested under Subsection (b)(2). This
26 person may not be the person charged with the offense.

27 (e) If a victim of an offense described by Subsection (a) is

1 also entitled to additional rights under Article 56A.052, or if a
2 conflict exists between this article and Article 56A.052, that
3 article controls.

4 SECTION 6. Article 56A.501, Code of Criminal Procedure, is
5 amended to read as follows:

6 Art. 56A.501. DEFINITION [~~DEFINITIONS~~]. In this
7 subchapter, "correctional" ~~+~~

8 [~~(1) "Correctional"~~] facility" has the meaning
9 assigned by Section 1.07, Penal Code.

10 [~~(2) "Family violence" has the meaning assigned by~~
11 ~~Section 71.004, Family Code.~~]

12 SECTION 7. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect on the date the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 8. This Act takes effect September 1, 2025.