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S.B. No. 1704

A BILL TO BE ENTITLED

AN ACT

relating to certain rights of crime victims and witnesses and  
associated persons and to victim impact statements.

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

SECTION 1. Article [56A.051](#)(a), Code of Criminal Procedure,  
is amended to read as follows:

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

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

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

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

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

(B) 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

1                    (C) [~~(B)~~] by an appellate court of the court's  
2 decisions, after the decisions are entered but before the decisions  
3 are made public;

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

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

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

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

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

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

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

27                    (C) when requested, providing a referral to

1 available social service agencies that may offer additional  
2 assistance;

3 (7) the right to:

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

6 (B) participate in the parole process;

7 (C) provide to the board for inclusion in the  
8 defendant's file information to be considered by the board before  
9 the parole of any defendant convicted of any offense subject to this  
10 chapter; and

11 (D) be notified in the manner provided by Article  
12 56A.0525, unless waived as provided by Article 56A.1511 [~~if~~  
13 ~~requested~~], of parole proceedings concerning a defendant in the  
14 victim's case and of the defendant's release;

15 (8) the right to be provided with a waiting area,  
16 separate or secure from other witnesses, including the defendant  
17 and relatives of the defendant, before testifying in any proceeding  
18 concerning the defendant; if a separate waiting area is not  
19 available, other safeguards should be taken to minimize the  
20 victim's contact with the defendant and the defendant's relatives  
21 and witnesses, before and during court proceedings;

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

26 (10) the right to have the attorney representing the  
27 state notify the victim's employer, if requested, that the victim's

1 cooperation and testimony is necessary in a proceeding that may  
2 require the victim to be absent from work for good cause;

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

5 (12) the right to be informed, in the manner provided  
6 by Article [56A.0525](#), of the uses of a victim impact statement and  
7 the statement's purpose in the criminal justice system as described  
8 by Subchapter D, to complete the victim impact statement, and to  
9 have the victim impact statement considered:

10 (A) by the attorney representing the state and  
11 the judge before sentencing or before a plea bargain agreement is  
12 accepted; and

13 (B) by the board before a defendant is released  
14 on parole;

15 (13) for a victim of an assault or sexual assault who  
16 is younger than 17 years of age or whose case involves family  
17 violence, as defined by Section [71.004](#), Family Code, the right to  
18 have the court consider the impact on the victim of a continuance  
19 requested by the defendant; if requested by the attorney  
20 representing the state or by the defendant's attorney, the court  
21 shall state on the record the reason for granting or denying the  
22 continuance; and

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

24 (A) receive by mail from the court a written  
25 explanation of defense-initiated victim outreach if the court has  
26 authorized expenditures for a defense-initiated victim outreach  
27 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 2. Articles 56A.151(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) The victim impact statement must be in a form designed to:

(1) inform a victim, guardian of a victim, or close relative of a deceased victim:

(A) ~~[with a clear statement]~~ of the rights granted by Subchapter B, with a clear statement of those rights; and

(B) that the following information will be provided unless the victim, guardian, or relative waives the right to receive the information under Article 56A.1511:

(i) notification of any parole proceedings concerning the defendant; and

(ii) any information concerning the release of the defendant from the department; and

(2) collect the following information:

(A) the name of the victim of the offense or, if the victim has a legal guardian or is deceased, the name of a guardian or close relative of the victim;

(B) the address and telephone number of the victim, guardian, or relative through which the victim, guardian,

or relative may be contacted;

(C) a statement of economic loss suffered by the victim, guardian, or relative as a result of the offense;

(D) a statement of any physical or psychological injury suffered by the victim, guardian, or relative as a result of the offense, as described by the victim, guardian, or relative or by a physician or counselor;

(E) a statement of any psychological services requested as a result of the offense;

(F) a statement of any change in the victim's, guardian's, or relative's personal welfare or familial relationship as a result of the offense;

~~(G) [a statement regarding whether the victim, guardian, or relative wants to be notified of any parole hearing for the defendant];~~

~~(H)~~ if the victim is a child, whether there is an existing court order granting to the defendant possession of or access to the victim; and

(H) ~~(I)~~ any other information related to the impact of the offense on the victim, guardian, or relative, other than facts related to the commission of the offense.

(c) The victim impact statement must 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) after previously waiving the right to receive the information under Article 56A.1511 ~~[obtain information concerning the release of the defendant from the~~

1 ~~department]~~.

2         SECTION 3. Subchapter [D](#), Chapter [56A](#), Code of Criminal  
3 Procedure, is amended by adding Article 56A.1511 to read as  
4 follows:

5         Art. 56A.1511. WAIVER OF RIGHT TO CERTAIN INFORMATION. A  
6 person who completes a victim impact statement under Article  
7 [56A.151](#) may:

8                 (1) waive the right to receive the information  
9 described by Article [56A.151](#)(b)(1)(B); and

10                (2) on notice to the department in the manner  
11 prescribed by the department, elect to be provided the information  
12 described by Article [56A.151](#)(b)(1)(B) after previously waiving the  
13 right.

14         SECTION 4. Article [56A.153](#), Code of Criminal Procedure, is  
15 amended to read as follows:

16         Art. 56A.153. NOTIFICATION TO COURT REGARDING RELEASE OF  
17 DEFENDANT WITH ACCESS TO CHILD VICTIM. If information collected  
18 under Article [56A.151](#)(b)(2)(G) [~~[56A.151](#)(b)(2)(H)~~] indicates the  
19 defendant is granted possession of or access to a child victim under  
20 court order and the department subsequently imprisons the defendant  
21 as a result of the defendant's commission of the offense, the victim  
22 services division of the department shall contact the court that  
23 issued the order before the department releases the defendant on  
24 parole or to mandatory supervision.

25         SECTION 5. Article [56A.154](#), Code of Criminal Procedure, is  
26 amended to read as follows:

27         Art. 56A.154. CHANGE OF ADDRESS. If a victim, guardian of a

1 victim, or close relative of a deceased victim has not waived the  
2 right to receive information described by Article 56A.151(b)(1)(B)  
3 ~~[states on a victim impact statement that the victim, guardian, or~~  
4 ~~relative wants to be notified of parole proceedings]~~, the victim,  
5 guardian, or relative must notify the board of any change of  
6 address.

7 SECTION 6. Article 56A.505, Code of Criminal Procedure, is  
8 amended to read as follows:

9 Art. 56A.505. WAIVER ~~[NOTIFICATION]~~ OF RIGHT TO CERTAIN  
10 INFORMATION ~~[NOTICE]~~. Not later than immediately following the  
11 conviction of a defendant for an offense described by Article  
12 56A.502, the attorney who represented the state in the prosecution  
13 of the case shall notify in writing a victim or witness described by  
14 Article 56A.503(a) of:

15 (1) the victim's or witness's ability to waive the  
16 right to receive notice under this subchapter; and

17 (2) the manner in which the victim may notify the  
18 department, the sheriff, or the community supervision and  
19 corrections department supervising the defendant, as appropriate,  
20 if the victim or witness elects to be provided notice under this  
21 subchapter after previously waiving the right.

22 SECTION 7. Article 56A.552, Code of Criminal Procedure, is  
23 amended to read as follows:

24 Art. 56A.552. NOTIFICATION OF VICTIM. The department  
25 shall immediately notify the victim of an offense, the victim's  
26 guardian, or the victim's close relative if the victim is deceased,  
27 subject to a waiver of notification under ~~[if the victim, victim's~~



~~guardian, or victim's close relative has notified the department as provided by]~~ Article 56A.554, when the defendant:

(1) escapes from a facility operated by the department for the imprisonment of individuals convicted of felonies other than state jail felonies; or

(2) is transferred from the custody of a facility described by Subdivision (1) to the custody of a peace officer under a writ of attachment or a bench warrant.

SECTION 8. Article 56A.553, Code of Criminal Procedure, is amended to read as follows:

Art. 56A.553. NOTIFICATION OF WITNESS. The department shall immediately notify a witness who testified against a defendant at the trial for the offense for which the defendant is imprisoned, the witness's guardian, or the witness's close relative, subject to a waiver of notification under ~~[if the witness, witness's guardian, or witness's close relative has notified the department as provided by]~~ Article 56A.554, when the defendant:

(1) escapes from a facility operated by the department for the imprisonment of individuals convicted of felonies other than state jail felonies; or

(2) is transferred from the custody of a facility described by Subdivision (1) to the custody of a peace officer under a writ of attachment or a bench warrant.

SECTION 9. Article 56A.554, Code of Criminal Procedure, is amended to read as follows:

Art. 56A.554. ADDRESS ~~[REQUEST]~~ FOR NOTIFICATION; WAIVER

1 ~~[CHANGE OF ADDRESS]~~. (a) For purposes of receiving the department  
2 notification required under this subchapter, a [A] victim, witness,  
3 guardian, or close relative shall:

4 (1) provide the department with the e-mail address,  
5 mailing address, and telephone number of the victim, witness,  
6 guardian, or close relative; and

7 (2) notify the department of any change of address or  
8 telephone number of the victim, witness, guardian, or close  
9 relative.

10 (b) A victim, witness, guardian, or close relative may:

11 (1) waive the right to the department ~~[who wants]~~  
12 notification required under this subchapter by providing notice to  
13 ~~[of a defendant's escape or transfer from custody under a writ of~~  
14 ~~attachment or bench warrant must notify]~~ the department of that  
15 fact; and

16 (2) on notice to the department in the manner  
17 prescribed by the department, elect to be provided the department  
18 notification after previously waiving the right ~~[and of any change~~  
19 ~~of address]~~.

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