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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;

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

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

7 SECTION 2. Articles 56A.151(b) and (c), Code of Criminal
8 Procedure, are amended to read as follows:

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

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

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

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

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

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

22 (2) collect the following information:

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

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

1 or relative may be contacted;

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

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

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

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

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

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

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

22 (c) The victim impact statement must include an explanation
23 regarding the procedures by which a victim, guardian of a victim, or
24 close relative of a deceased victim may be provided the information
25 described by Subsection (b)(1)(B) after previously waiving the
26 right to receive the information under Article 56A.1511 [~~obtain~~
27 ~~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.152, Code of Criminal Procedure, is
15 amended to read as follows:

16 Art. 56A.152. RECOMMENDATIONS TO ENSURE SUBMISSION OF
17 STATEMENT. The victim services division of the department, in
18 consultation with the board, law enforcement agencies, offices of
19 attorneys representing the state, and other participants in the
20 criminal justice system and in consultation with health care
21 professionals who provide health care services to victims, shall
22 develop recommendations to:

23 (1) increase the number of victim impact statements
24 that are completed; and

25 (2) ensure that completed victim impact statements are
26 submitted to the department as provided by Article 56A.159(b).

27 SECTION 5. Article 56A.153, Code of Criminal Procedure, is

1 amended to read as follows:

2 Art. 56A.153. NOTIFICATION TO COURT REGARDING RELEASE OF
3 DEFENDANT WITH ACCESS TO CHILD VICTIM. If information collected
4 under Article 56A.151(b)(2)(G) [~~56A.151(b)(2)(H)~~] indicates the
5 defendant is granted possession of or access to a child victim under
6 court order and the department subsequently imprisons the defendant
7 as a result of the defendant's commission of the offense, the victim
8 services division of the department shall contact the court that
9 issued the order before the department releases the defendant on
10 parole or to mandatory supervision.

11 SECTION 6. Article 56A.154, Code of Criminal Procedure, is
12 amended to read as follows:

13 Art. 56A.154. CHANGE OF ADDRESS. If a victim, guardian of a
14 victim, or close relative of a deceased victim has not waived the
15 right to receive information described by Article 56A.151(b)(1)(B)
16 [~~states on a victim impact statement that the victim, guardian, or~~
17 ~~relative wants to be notified of parole proceedings~~], the victim,
18 guardian, or relative must notify the board of any change of
19 address.

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

22 Art. 56A.505. WAIVER [~~NOTIFICATION~~] OF RIGHT TO CERTAIN
23 INFORMATION [~~NOTICE~~]. Not later than immediately following the
24 conviction of a defendant for an offense described by Article
25 56A.502, the attorney who represented the state in the prosecution
26 of the case shall notify in writing a victim or witness described by
27 Article 56A.503(a) of:

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

3 (2) the manner in which the victim may notify the
4 department, the sheriff, or the community supervision and
5 corrections department supervising the defendant, as appropriate,
6 if the victim or witness elects to be provided notice under this
7 subchapter after previously waiving the right.

8 SECTION 8. Article 56A.552, Code of Criminal Procedure, is
9 amended to read as follows:

10 Art. 56A.552. NOTIFICATION OF VICTIM. The department
11 shall immediately notify the victim of an offense, the victim's
12 guardian, or the victim's close relative if the victim is deceased,
13 subject to a waiver of notification under [~~if the victim, victim's~~
14 ~~guardian, or victim's close relative has notified the department as~~
15 ~~provided by~~] Article 56A.554, when the defendant:

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

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

22 SECTION 9. Article 56A.553, Code of Criminal Procedure, is
23 amended to read as follows:

24 Art. 56A.553. NOTIFICATION OF WITNESS. The department
25 shall immediately notify a witness who testified against a
26 defendant at the trial for the offense for which the defendant is
27 imprisoned, the witness's guardian, or the witness's close

1 relative, subject to a waiver of notification under [~~if the~~
2 ~~witness, witness's guardian, or witness's close relative has~~
3 ~~notified the department as provided by~~] Article 56A.554, when the
4 defendant:

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

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

11 SECTION 10. Article 56A.554, Code of Criminal Procedure, is
12 amended to read as follows:

13 Art. 56A.554. ADDRESS [REQUEST] FOR NOTIFICATION; WAIVER
14 [~~CHANGE OF ADDRESS~~]. (a) For purposes of receiving the department
15 notification required under this subchapter, a [A] victim, witness,
16 guardian, or close relative shall:

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

20 (2) notify the department of any change of address or
21 telephone number of the victim, witness, guardian, or close
22 relative.

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

24 (1) waive the right to the department [~~who wants~~]
25 notification required under this subchapter by providing notice to
26 [~~of a defendant's escape or transfer from custody under a writ of~~
27 ~~attachment or bench warrant must notify~~] the department of that

1 fact; and

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

6 SECTION 11. This Act takes effect September 1, 2025.