

1-1 By: Parker, Huffman S.B. No. 1704
1-2 (In the Senate - Filed February 27, 2025; March 13, 2025,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 May 5, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; May 5, 2025, sent
1-6 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. 1704 By: Flores

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

1-19 relating to certain rights of crime victims and witnesses and
1-20 associated persons and to victim impact statements.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 56A.051(a), Code of Criminal Procedure,
1-23 is amended to read as follows:

1-24 (a) A victim, guardian of a victim, or close relative of a
1-25 deceased victim is entitled to the following rights within the
1-26 criminal justice system:

1-27 (1) the right to receive from a law enforcement agency
1-28 adequate protection from harm and threats of harm arising from
1-29 cooperation with prosecution efforts;

1-30 (2) the right to have the magistrate consider the
1-31 safety of the victim or the victim's family in setting the amount of
1-32 bail for the defendant;

1-33 (3) if requested, the right to be informed in the
1-34 manner provided by Article 56A.0525:

1-35 (A) by the attorney representing the state of
1-36 relevant court proceedings, including appellate proceedings, and
1-37 to be informed if those proceedings have been canceled or
1-38 rescheduled before the event;

1-39 (B) by the sentencing court of a modification or
1-40 amendment to the defendant's sentence, not later than three days
1-41 after the date on which the modification or amendment was made; and

1-42 (C) ~~[(B)]~~ by an appellate court of the court's
1-43 decisions, after the decisions are entered but before the decisions
1-44 are made public;

1-45 (4) when requested, the right to be informed in the
1-46 manner provided by Article 56A.0525:

1-47 (A) by a peace officer concerning the defendant's
1-48 right to bail and the procedures in criminal investigations; and

1-49 (B) by the office of the attorney representing
1-50 the state concerning the general procedures in the criminal justice
1-51 system, including general procedures in guilty plea negotiations
1-52 and arrangements, restitution, and the appeals and parole process;

1-53 (5) the right to provide pertinent information to a
1-54 community supervision and corrections department conducting a
1-55 presentencing investigation concerning the impact of the offense on
1-56 the victim and the victim's family by testimony, written statement,
1-57 or any other manner before any sentencing of the defendant;

1-58 (6) the right to receive information, in the manner
1-59 provided by Article 56A.0525:

1-60 (A) regarding compensation to victims of crime as

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

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

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

(7) the right to:

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

(B) participate in the parole process;

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

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

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

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

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

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

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

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

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

(13) for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family 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 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 department]~~.

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

Art. 56A.1511. WAIVER OF RIGHT TO CERTAIN INFORMATION. A person who completes a victim impact statement under Article 56A.151 may:

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

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

SECTION 4. Article 56A.153, Code of Criminal Procedure, is amended to read as follows:

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

issued the order before the department releases the defendant on parole or to mandatory supervision.

SECTION 5. Article 56A.154, Code of Criminal Procedure, is amended to read as follows:

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

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

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

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

(2) the manner in which the victim may notify the department, 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 7. Article 56A.552, Code of Criminal Procedure, is amended to read as follows:

Art. 56A.552. NOTIFICATION OF VICTIM. The department shall 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 [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 ~~[CHANGE OF ADDRESS]~~. (a) For purposes of receiving the department notification required under this subchapter, a [A] victim, witness, guardian, or close relative shall:

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

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

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

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

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

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

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