

Chapter 469

H.B. No. 4173

1 AN ACT
2 relating to the nonsubstantive revision of certain provisions of
3 the Code of Criminal Procedure, including conforming amendments.

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

5 ARTICLE 1. NONSUBSTANTIVE REVISION OF CERTAIN PROVISIONS OF THE
6 CODE OF CRIMINAL PROCEDURE

7 SECTION 1.01. Chapter 1, Code of Criminal Procedure, is
8 amended by adding Articles 1.025 and 1.026 to read as follows:

9 CHAPTER 1. GENERAL PROVISIONS

10 Art. 1.025. SEVERABILITY

11 Art. 1.026. CONSTRUCTION

12 CHAPTER 1. GENERAL PROVISIONS

13 Art. 1.025. SEVERABILITY. If any provision of this code or
14 its application to any person or circumstance is held invalid, the
15 invalidity does not affect other provisions or applications of the
16 code that can be given effect without the invalid provision or
17 application, and to this end the provisions of this code are
18 severable. (Code Crim. Proc., Art. 54.01.)

19 Art. 1.026. CONSTRUCTION. The articles contained in
20 Chapter 722 (S.B. 107), Acts of the 59th Legislature, Regular
21 Session, 1965, as revised, rewritten, changed, combined, and
22 codified, may not be construed as a continuation of former laws
23 except as otherwise provided in that Act. (Code Crim. Proc., Art.
24 54.02, Sec. 2(a) (part).)

1 SECTION 1.02. Title 1, Code of Criminal Procedure, is
2 amended by adding Chapter 7B to read as follows:

3 CHAPTER 7B. PROTECTIVE ORDERS

4 SUBCHAPTER A. PROTECTIVE ORDER FOR VICTIMS OF SEXUAL ASSAULT OR
5 ABUSE, STALKING, OR TRAFFICKING

6 Art. 7B.001. APPLICATION FOR PROTECTIVE ORDER

7 Art. 7B.002. TEMPORARY EX PARTE ORDER

8 Art. 7B.003. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
9 ORDER

10 Art. 7B.004. HEARSAY STATEMENT OF CHILD VICTIM

11 Art. 7B.005. CONDITIONS SPECIFIED BY PROTECTIVE ORDER

12 Art. 7B.006. WARNING ON PROTECTIVE ORDER

13 Art. 7B.007. DURATION OF PROTECTIVE ORDER; RESCISSION

14 Art. 7B.008. APPLICATION OF OTHER LAW

15 SUBCHAPTER B. STALKING PROTECTIVE ORDER

16 Art. 7B.051. REQUEST FOR PROTECTIVE ORDER

17 Art. 7B.052. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
18 ORDER

19 Art. 7B.053. ENFORCEMENT

20 SUBCHAPTER C. PROTECTIVE ORDER PROHIBITING OFFENSE MOTIVATED BY
21 BIAS OR PREJUDICE

22 Art. 7B.101. REQUEST FOR PROTECTIVE ORDER

23 Art. 7B.102. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
24 ORDER

25 Art. 7B.103. ENFORCEMENT

26 Art. 7B.104. REPORTING

1 . CHAPTER 7B. PROTECTIVE ORDERS

2 SUBCHAPTER A. PROTECTIVE ORDER FOR VICTIMS OF SEXUAL ASSAULT OR
3 ABUSE, STALKING, OR TRAFFICKING

4 Art. 7B.001. APPLICATION FOR PROTECTIVE ORDER. (a) The
5 following persons may file an application for a protective order
6 under this subchapter without regard to the relationship between
7 the applicant and the alleged offender:

8 (1) a person who is the victim of an offense under
9 Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

10 (2) a person who is the victim of an offense under
11 Section 20A.02, 20A.03, or 43.05, Penal Code;

12 (3) a parent or guardian acting on behalf of a person
13 younger than 17 years of age who is the victim of an offense listed
14 in Subdivision (1);

15 (4) a parent or guardian acting on behalf of a person
16 younger than 18 years of age who is the victim of an offense listed
17 in Subdivision (2); or

18 (5) a prosecuting attorney acting on behalf of a
19 person described by Subdivision (1), (2), (3), or (4).

20 (b) An application for a protective order under this
21 subchapter may be filed in:

22 (1) a district court, juvenile court having the
23 jurisdiction of a district court, statutory county court, or
24 constitutional county court in:

25 (A) the county in which the applicant resides;

26 (B) the county in which the alleged offender
27 resides; or

1 (C) any county in which an element of the alleged
2 offense occurred; or

3 (2) any court with jurisdiction over a protective
4 order under Title 4, Family Code, involving the same parties named
5 in the application. (Code Crim. Proc., Art. 7A.01.)

6 Art. 7B.002. TEMPORARY EX PARTE ORDER. If the court finds
7 from the information contained in an application for a protective
8 order that there is a clear and present danger of sexual assault or
9 abuse, stalking, trafficking, or other harm to the applicant, the
10 court, without further notice to the alleged offender and without a
11 hearing, may issue a temporary ex parte order for the protection of
12 the applicant or any other member of the applicant's family or
13 household. (Code Crim. Proc., Art. 7A.02.)

14 Art. 7B.003. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
15 ORDER. (a) At the close of a hearing on an application for a
16 protective order under this subchapter, the court shall find
17 whether there are reasonable grounds to believe that the applicant
18 is the victim of sexual assault or abuse, stalking, or trafficking.

19 (b) If the court finds that there are reasonable grounds to
20 believe that the applicant is the victim of sexual assault or abuse,
21 stalking, or trafficking, the court shall issue a protective order
22 that includes a statement of the required findings. (Code Crim.
23 Proc., Art. 7A.03.)

24 Art. 7B.004. HEARSAY STATEMENT OF CHILD VICTIM. In a
25 hearing on an application for a protective order under this
26 subchapter, a statement that is made by a child younger than 14
27 years of age who is the victim of an offense under Section 21.02,

1 21.11, 22.011, or 22.021, Penal Code, and that describes the
2 offense committed against the child is admissible as evidence in
3 the same manner that a child's statement regarding alleged abuse
4 against the child is admissible under Section 104.006, Family Code,
5 in a suit affecting the parent-child relationship. (Code Crim.
6 Proc., Art. 7A.035.)

7 Art. 7B.005. CONDITIONS SPECIFIED BY PROTECTIVE ORDER. (a)
8 In a protective order issued under this subchapter, the court may:

9 (1) order the alleged offender to take action as
10 specified by the court that the court determines is necessary or
11 appropriate to prevent or reduce the likelihood of future harm to
12 the applicant or a member of the applicant's family or household; or

13 (2) prohibit the alleged offender from:

14 (A) communicating:

15 (i) directly or indirectly with the
16 applicant or any member of the applicant's family or household in a
17 threatening or harassing manner; or

18 (ii) in any manner with the applicant or any
19 member of the applicant's family or household except through the
20 applicant's attorney or a person appointed by the court, if the
21 court finds good cause for the prohibition;

22 (B) going to or near the residence, place of
23 employment or business, or child-care facility or school of the
24 applicant or any member of the applicant's family or household;

25 (C) engaging in conduct directed specifically
26 toward the applicant or any member of the applicant's family or
27 household, including following the person, that is reasonably

1 likely to harass, annoy, alarm, abuse, torment, or embarrass the
2 person; and

3 (D) possessing a firearm, unless the alleged
4 offender is a peace officer, as defined by Section 1.07, Penal Code,
5 actively engaged in employment as a sworn, full-time paid employee
6 of a state agency or political subdivision.

7 (b) In a protective order that includes a condition
8 described by Subsection (a)(2)(B), the court shall specifically
9 describe each prohibited location and the minimum distance from the
10 location, if any, that the alleged offender must maintain. This
11 subsection does not apply to a protective order with respect to
12 which the court has received a request to maintain confidentiality
13 of information revealing the locations.

14 (c) In a protective order, the court may suspend a license
15 to carry a handgun issued under Section 411.177, Government Code,
16 that is held by the alleged offender. (Code Crim. Proc., Art.
17 7A.05.)

18 Art. 7B.006. WARNING ON PROTECTIVE ORDER. (a) Each
19 protective order issued under this subchapter, including a
20 temporary ex parte order, must contain the following prominently
21 displayed statements in boldfaced type, in capital letters, or
22 underlined:

23 "A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR
24 CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN
25 JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."

26 "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS
27 ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY

1 PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS
2 VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT
3 UNLESS A COURT CHANGES THE ORDER."

4 "IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS
5 DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT
6 AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL
7 SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A
8 FIREARM OR AMMUNITION."

9 (b) Each protective order issued under this subchapter,
10 except for a temporary ex parte order, must contain the following
11 prominently displayed statement in boldfaced type, in capital
12 letters, or underlined:

13 "A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED
14 BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY
15 CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT
16 RESULTS IN A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE
17 OFFENSE IN ADDITION TO A VIOLATION OF THIS ORDER." (Code Crim.
18 Proc., Art. 7A.06.)

19 Art. 7B.007. DURATION OF PROTECTIVE ORDER; RESCISSION. (a)
20 A protective order issued under Article 7B.003 may be effective for
21 the duration of the lives of the offender and victim or for any
22 shorter period stated in the order. If a period is not stated in the
23 order, the order is effective until the second anniversary of the
24 date the order was issued.

25 (b) The following persons may file at any time an
26 application with the court to rescind the protective order:

27 (1) a victim of an offense listed in Article

1 7B.001(a)(1) who is 17 years of age or older or a parent or guardian
2 acting on behalf of a victim who is younger than 17 years of age; or
3 (2) a victim of an offense listed in Article
4 7B.001(a)(2) or a parent or guardian acting on behalf of a victim
5 who is younger than 18 years of age.

6 (c) To the extent of any conflict with Section 85.025,
7 Family Code, this article prevails. (Code Crim. Proc., Art.
8 7A.07.)

9 Art. 7B.008. APPLICATION OF OTHER LAW. To the extent
10 applicable, except as otherwise provided by this subchapter, Title
11 4, Family Code, applies to a protective order issued under this
12 subchapter. (Code Crim. Proc., Art. 7A.04.)

13 SUBCHAPTER B. STALKING PROTECTIVE ORDER

14 Art. 7B.051. REQUEST FOR PROTECTIVE ORDER. (a) At any
15 proceeding related to an offense under Section 42.072, Penal Code,
16 in which the defendant appears before the court, a person may
17 request the court to issue a protective order under Title 4, Family
18 Code, for the protection of the person.

19 (b) The request under Subsection (a) is made by filing an
20 application for a protective order in the same manner as an
21 application for a protective order under Title 4, Family Code.
22 (Code Crim. Proc., Art. 6.09(a).)

23 Art. 7B.052. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
24 ORDER. The court shall issue a protective order in the manner
25 provided by Title 4, Family Code, if, in lieu of the finding that
26 family violence occurred and is likely to occur in the future as
27 required by Section 85.001, Family Code, the court finds that:

1 (1) probable cause exists to believe that an offense
2 under Section 42.072, Penal Code, was committed; and

3 (2) the nature of the scheme or course of conduct
4 engaged in by the defendant in committing the offense indicates the
5 defendant is likely in the future to engage in conduct prohibited by
6 Section 42.072(a)(1), (2), or (3), Penal Code. (Code Crim. Proc.,
7 Art. 6.09(b).)

8 Art. 7B.053. ENFORCEMENT. The procedure for the
9 enforcement of a protective order under Title 4, Family Code,
10 applies to the fullest extent practicable to the enforcement of a
11 protective order under this subchapter, including provisions
12 relating to findings, contents, duration, warning, delivery, law
13 enforcement duties, and modification. (Code Crim. Proc., Art.
14 6.09(c).)

15 SUBCHAPTER C. PROTECTIVE ORDER PROHIBITING OFFENSE MOTIVATED BY
16 BIAS OR PREJUDICE

17 Art. 7B.101. REQUEST FOR PROTECTIVE ORDER. A person may
18 request the court to issue a protective order under Title 4, Family
19 Code, for the protection of the person at any proceeding:

20 (1) in which the defendant appears in constitutional
21 county court, statutory county court, or district court;

22 (2) that is related to an offense under Title 5, Penal
23 Code, or Section 28.02, 28.03, or 28.08, Penal Code; and

24 (3) in which it is alleged that the defendant
25 committed the offense because of bias or prejudice as described by
26 Article 42.014. (Code Crim. Proc., Art. 6.08(a).)

27 Art. 7B.102. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE

1 ORDER. The court shall issue a protective order in the manner
2 provided by Title 4, Family Code, if, in lieu of the finding that
3 family violence occurred and is likely to occur in the future as
4 required by Section 85.001, Family Code, the court finds that:

5 (1) probable cause exists to believe that an offense
6 under Title 5, Penal Code, or Section 28.02, 28.03, or 28.08, Penal
7 Code, was committed;

8 (2) the defendant committed the offense because of
9 bias or prejudice; and

10 (3) the nature of the scheme or course of conduct
11 engaged in by the defendant in committing the offense indicates the
12 defendant is likely in the future to:

13 (A) engage in conduct prohibited by Title 5,
14 Penal Code, or Section 28.02, 28.03, or 28.08, Penal Code; and

15 (B) engage in that conduct described by Paragraph
16 (A) because of bias or prejudice. (Code Crim. Proc., Art. 6.08(b).)

17 Art. 7B.103. ENFORCEMENT. The procedure for the
18 enforcement of a protective order under Title 4, Family Code,
19 applies to the fullest extent practicable to the enforcement of a
20 protective order under this subchapter, including provisions
21 relating to findings, contents, duration, warning, delivery, law
22 enforcement duties, and modification, except that:

23 (1) the printed statement on the warning must refer to
24 the prosecution of subsequent offenses committed because of bias or
25 prejudice;

26 (2) the court shall require a constable to serve a
27 protective order issued under this subchapter; and

1 (3) the clerk of the court shall forward a copy of a
2 protective order issued under this subchapter to the Department of
3 Public Safety with a designation indicating that the order was
4 issued to prevent offenses committed because of bias or prejudice.
5 (Code Crim. Proc., Art. 6.08(c).)

6 Art. 7B.104. REPORTING. For an original or modified
7 protective order issued under this subchapter, on receipt of the
8 order from the clerk of the court, a law enforcement agency shall
9 immediately, but not later than the 10th day after the date the
10 order is received, enter the information required by Section
11 411.042(b)(6), Government Code, into the statewide law enforcement
12 information system maintained by the Department of Public Safety.
13 (Code Crim. Proc., Art. 6.08(d).)

14 SECTION 1.03. Title 1, Code of Criminal Procedure, is
15 amended by adding Chapter 19A to read as follows:

16 CHAPTER 19A. GRAND JURY ORGANIZATION

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Art. 19A.001. DEFINITIONS

19 SUBCHAPTER B. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS

20 Art. 19A.051. SELECTION AND SUMMONS OF PROSPECTIVE

21 GRAND JURORS

22 Art. 19A.052. QUALIFIED PERSONS SUMMONED

23 Art. 19A.053. ADDITIONAL QUALIFIED PERSONS SUMMONED

24 Art. 19A.054. FAILURE TO ATTEND

25 SUBCHAPTER C. GRAND JUROR QUALIFICATIONS; EXCUSES FROM SERVICE

26 Art. 19A.101. GRAND JUROR QUALIFICATIONS

- 1 Art. 19A.102. TESTING QUALIFICATIONS OF PROSPECTIVE
2 GRAND JURORS
- 3 Art. 19A.103. QUALIFIED GRAND JURORS ACCEPTED
- 4 Art. 19A.104. PERSONAL INFORMATION CONFIDENTIAL
- 5 Art. 19A.105. EXCUSES FROM GRAND JURY SERVICE
- 6 SUBCHAPTER D. CHALLENGE TO ARRAY OR GRAND JUROR
- 7 Art. 19A.151. ANY PERSON MAY CHALLENGE
- 8 Art. 19A.152. CHALLENGE TO ARRAY
- 9 Art. 19A.153. CHALLENGE TO GRAND JUROR
- 10 Art. 19A.154. DETERMINATION OF VALIDITY OF CHALLENGE
- 11 Art. 19A.155. ADDITIONAL PROSPECTIVE GRAND JURORS
12 SUMMONED FOLLOWING CHALLENGE
- 13 SUBCHAPTER E. IMPANELING OF GRAND JURY
- 14 Art. 19A.201. GRAND JURY IMPANELED
- 15 Art. 19A.202. OATH OF GRAND JURORS
- 16 Art. 19A.203. FOREPERSON
- 17 Art. 19A.204. COURT INSTRUCTIONS
- 18 SUBCHAPTER F. ORGANIZATION AND TERM OF GRAND JURY
- 19 Art. 19A.251. QUORUM
- 20 Art. 19A.252. DISQUALIFICATION OR UNAVAILABILITY OF
21 GRAND JUROR
- 22 Art. 19A.253. RECUSAL OF GRAND JUROR
- 23 Art. 19A.254. REASSEMBLY OF GRAND JURY
- 24 Art. 19A.255. EXTENSION OF TERM
- 25 SUBCHAPTER G. BAILIFFS
- 26 Art. 19A.301. BAILIFFS APPOINTED; COMPENSATION
- 27 Art. 19A.302. BAILIFF'S DUTIES

1 Art. 19A.303. BAILIFF'S VIOLATION OF DUTY

2 CHAPTER 19A. GRAND JURY ORGANIZATION

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Art. 19A.001. DEFINITIONS. In this chapter:

5 (1) "Array" means the whole body of persons summoned
6 to serve as grand jurors before the grand jurors have been
7 impaneled.

8 (2) "Panel" means the whole body of grand jurors.
9 (Code Crim. Proc., Arts. 19.28, 19.29 (part).)

10 SUBCHAPTER B. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS

11 Art. 19A.051. SELECTION AND SUMMONS OF PROSPECTIVE GRAND
12 JURORS. (a) The district judge shall direct that the number of
13 prospective grand jurors the judge considers necessary to ensure an
14 adequate number of grand jurors under Article 19A.201 be selected
15 and summoned, with return on summons.

16 (b) The prospective grand jurors shall be selected and
17 summoned in the same manner as for the selection and summons of
18 panels for the trial of civil cases in the district courts.

19 (c) The judge shall test the qualifications for and excuses
20 from service as a grand juror and impanel the completed grand jury
21 as provided by this chapter. (Code Crim. Proc., Art. 19.01.)

22 Art. 19A.052. QUALIFIED PERSONS SUMMONED. On directing the
23 sheriff to summon grand jurors, the court shall instruct the
24 sheriff to not summon a person to serve as a grand juror who does not
25 possess the qualifications prescribed by law. (Code Crim. Proc.,
26 Art. 19.20.)

27 Art. 19A.053. ADDITIONAL QUALIFIED PERSONS SUMMONED. (a)

1 If fewer than 16 persons summoned to serve as grand jurors are found
2 to be in attendance and qualified to serve, the court shall order
3 the sheriff to summon an additional number of persons considered
4 necessary to constitute a grand jury of 12 grand jurors and four
5 alternate grand jurors.

6 (b) The sheriff shall summon the additional prospective
7 grand jurors under Subsection (a) in person to attend before the
8 court immediately. (Code Crim. Proc., Arts. 19.18, 19.19.)

9 Art. 19A.054. FAILURE TO ATTEND. The court, by an order
10 entered on the record, may impose a fine of not less than \$100 and
11 not more than \$500 on a legally summoned grand juror who fails to
12 attend without a reasonable excuse. (Code Crim. Proc., Art. 19.16.)

13 SUBCHAPTER C. GRAND JUROR QUALIFICATIONS; EXCUSES FROM SERVICE

14 Art. 19A.101. GRAND JUROR QUALIFICATIONS. A person may be
15 selected or serve as a grand juror only if the person:

- 16 (1) is at least 18 years of age;
- 17 (2) is a citizen of the United States;
- 18 (3) is a resident of this state and of the county in
19 which the person is to serve;
- 20 (4) is qualified under the constitution and other laws
21 to vote in the county in which the grand jury is sitting, regardless
22 of whether the person is registered to vote;
- 23 (5) is of sound mind and good moral character;
- 24 (6) is able to read and write;
- 25 (7) has not been convicted of misdemeanor theft or a
26 felony;
- 27 (8) is not under indictment or other legal accusation

1 for misdemeanor theft or a felony;

2 (9) is not related within the third degree by
3 consanguinity or second degree by affinity, as determined under
4 Chapter 573, Government Code, to any person selected to serve or
5 serving on the same grand jury;

6 (10) has not served as a grand juror in the year before
7 the date on which the term of court for which the person has been
8 selected as a grand juror begins; and

9 (11) is not a complainant in any matter to be heard by
10 the grand jury during the term of court for which the person has
11 been selected as a grand juror. (Code Crim. Proc., Art. 19.08.)

12 Art. 19A.102. TESTING QUALIFICATIONS OF PROSPECTIVE GRAND
13 JURORS. (a) When at least 14 persons summoned to serve as grand
14 jurors are present, the court shall test the qualifications of the
15 prospective grand jurors to serve as grand jurors.

16 (b) Before impaneling a grand juror, the court or a person
17 under the direction of the court must interrogate under oath each
18 person who is presented to serve as a grand juror regarding the
19 person's qualifications.

20 (c) In testing the qualifications of a person to serve as a
21 grand juror, the court or a person under the direction of the court
22 shall ask:

23 (1) "Are you a citizen of this state and county, and
24 qualified to vote in this county, under the constitution and laws of
25 this state?";

26 (2) "Are you able to read and write?";

27 (3) "Have you ever been convicted of misdemeanor theft

1 or any felony?"; and

2 (4) "Are you under indictment or other legal
3 accusation for misdemeanor theft or for any felony?". (Code Crim.
4 Proc., Arts. 19.21, 19.22, 19.23.)

5 Art. 19A.103. QUALIFIED GRAND JURORS ACCEPTED. If, by the
6 person's answer, it appears to the court that the person is a
7 qualified grand juror, the court shall accept the person as a grand
8 juror unless it is shown that the person:

9 (1) is not of sound mind or of good moral character; or

10 (2) is in fact not qualified to serve as a grand juror.
11 (Code Crim. Proc., Art. 19.24.)

12 Art. 19A.104. PERSONAL INFORMATION CONFIDENTIAL. (a)
13 Except as provided by Subsection (c), information collected by the
14 court, court personnel, or prosecuting attorney during the grand
15 jury selection process about a person who serves as a grand juror is
16 confidential and may not be disclosed by the court, court
17 personnel, or prosecuting attorney.

18 (b) Information that is confidential under Subsection (a)
19 includes a person's:

20 (1) home address;

21 (2) home telephone number;

22 (3) social security number;

23 (4) driver's license number; and

24 (5) other personal information.

25 (c) On a showing of good cause, the court shall permit
26 disclosure of the information sought to a party to the proceeding.
27 (Code Crim. Proc., Art. 19.42.)

1 Art. 19A.105. EXCUSES FROM GRAND JURY SERVICE. (a) The
2 court shall excuse from serving any summoned person who does not
3 possess the requisite qualifications.

4 (b) The following qualified persons may be excused from
5 grand jury service:

6 (1) a person older than 70 years of age;

7 (2) a person responsible for the care of a child
8 younger than 18 years of age;

9 (3) a student of a public or private secondary school;

10 (4) a person enrolled in and in actual attendance at an
11 institution of higher education; and

12 (5) any other person the court determines has a
13 reasonable excuse from service. (Code Crim. Proc., Art. 19.25.)

14 SUBCHAPTER D. CHALLENGE TO ARRAY OR GRAND JUROR

15 Art. 19A.151. ANY PERSON MAY CHALLENGE. (a) Before the
16 grand jury is impaneled, any person may challenge the array of grand
17 jurors or any person presented as a grand juror. The court may not
18 hear objections to the qualifications and legality of the grand
19 jury in any other way.

20 (b) A person confined in jail in the county shall, on the
21 person's request, be brought into court to make a challenge
22 described by Subsection (a). (Code Crim. Proc., Art. 19.27.)

23 Art. 19A.152. CHALLENGE TO ARRAY. (a) A challenge to the
24 array may be made only for the following causes:

25 (1) that the persons summoned as grand jurors are not
26 in fact the persons selected by the method provided by Article
27 19A.051; or

1 (2) that the officer who summoned the grand jurors
2 acted corruptly in summoning any grand juror.

3 (b) A challenge to the array must be made in writing. (Code
4 Crim. Proc., Art. 19.30.)

5 Art. 19A.153. CHALLENGE TO GRAND JUROR. (a) A challenge to
6 a grand juror may be made orally for any of the following causes:

7 (1) that the grand juror is insane;

8 (2) that the grand juror has a defect in the organs of
9 feeling or hearing, or a bodily or mental defect or disease that
10 renders the grand juror unfit for grand jury service, or that the
11 grand juror is legally blind and the court in its discretion is not
12 satisfied that the grand juror is fit for grand jury service in that
13 particular case;

14 (3) that the grand juror is a witness in or a target of
15 an investigation of a grand jury;

16 (4) that the grand juror served on a petit jury in a
17 former trial of the same alleged conduct or offense that the grand
18 jury is investigating;

19 (5) that the grand juror has a bias or prejudice in
20 favor of or against the person accused or suspected of committing an
21 offense that the grand jury is investigating;

22 (6) that from hearsay, or otherwise, there is
23 established in the mind of the grand juror a conclusion as to the
24 guilt or innocence of the person accused or suspected of committing
25 an offense that the grand jury is investigating that would
26 influence the grand juror's vote on the presentment of an
27 indictment;

1 (7) that the grand juror is related within the third
2 degree by consanguinity or affinity, as determined under Chapter
3 573, Government Code, to a person accused or suspected of
4 committing an offense that the grand jury is investigating or to a
5 person who is a victim of an offense that the grand jury is
6 investigating;

7 (8) that the grand juror has a bias or prejudice
8 against any phase of the law on which the state is entitled to rely
9 for an indictment;

10 (9) that the grand juror is not a qualified grand
11 juror; or

12 (10) that the grand juror is the prosecutor on an
13 accusation against the person making the challenge.

14 (b) A challenge under Subsection (a)(3) may be made ex
15 parte. The court shall review and rule on the challenge in an in
16 camera proceeding. The court shall seal any record of the
17 challenge.

18 (c) In this article, "legally blind" has the meaning
19 assigned by Article 35.16(a). (Code Crim. Proc., Art. 19.31.)

20 Art. 19A.154. DETERMINATION OF VALIDITY OF CHALLENGE. When
21 a person challenges the array or a grand juror, the court shall hear
22 proof and decide in a summary manner whether the challenge is well
23 founded. (Code Crim. Proc., Art. 19.32.)

24 Art. 19A.155. ADDITIONAL PROSPECTIVE GRAND JURORS SUMMONED
25 FOLLOWING CHALLENGE. (a) If the court sustains a challenge to the
26 array, the court shall order another grand jury to be summoned.

27 (b) If, because of a challenge to any particular grand

1 juror, fewer than 12 grand jurors remain, the court shall order the
2 panel to be completed. (Code Crim. Proc., Art. 19.33.)

3 SUBCHAPTER E. IMPANELING OF GRAND JURY

4 Art. 19A.201. GRAND JURY IMPANELED. (a) When at least 16
5 qualified grand jurors are found to be present, the court shall
6 select 12 fair and impartial persons as grand jurors and 4
7 additional persons as alternate grand jurors to serve on
8 disqualification or unavailability of a grand juror during the term
9 of the grand jury. The grand jurors and the alternate grand jurors
10 must be randomly selected from a fair cross section of the
11 population of the area served by the court.

12 (b) The court shall impanel the grand jurors and alternate
13 grand jurors, unless a challenge is made to the array or to a
14 particular person presented to serve as a grand juror or an
15 alternate grand juror.

16 (c) A grand juror is considered to be impaneled after the
17 grand juror's qualifications have been tested and the grand juror
18 has been sworn. (Code Crim. Proc., Arts. 19.26(a), (b) (part),
19 19.29 (part).)

20 Art. 19A.202. OATH OF GRAND JURORS. The court or a person
21 under the direction of the court shall administer the following
22 oath to the grand jurors when the grand jury is completed: "You
23 solemnly swear that you will diligently inquire into, and true
24 presentment make, of all such matters and things as shall be given
25 you in charge; the State's counsel, your fellows and your own, you
26 shall keep secret, unless required to disclose the same in the
27 course of a judicial proceeding in which the truth or falsity of

1 evidence given in the grand jury room, in a criminal case, shall be
2 under investigation. You shall present no person from envy, hatred
3 or malice; neither shall you leave any person unrepresented for love,
4 fear, favor, affection or hope of reward; but you shall present
5 things truly as they come to your knowledge, according to the best
6 of your understanding, so help you God." (Code Crim. Proc., Art.
7 19.34 (part).)

8 Art. 19A.203. FOREPERSON. (a) When the grand jury is
9 completed, the court shall appoint one of the grand jurors as
10 foreperson.

11 (b) If the foreperson is for any cause absent or unable or
12 disqualified to act, the court shall appoint another grand juror as
13 foreperson. (Code Crim. Proc., Arts. 19.34 (part), 19.39.)

14 Art. 19A.204. COURT INSTRUCTIONS. The court shall instruct
15 the grand jury regarding the grand jurors' duty. (Code Crim. Proc.,
16 Art. 19.35.)

17 SUBCHAPTER F. ORGANIZATION AND TERM OF GRAND JURY

18 Art. 19A.251. QUORUM. Nine grand jurors constitute a
19 quorum for the purpose of discharging a duty or exercising a right
20 properly belonging to the grand jury. (Code Crim. Proc., Art.
21 19.40.)

22 Art. 19A.252. DISQUALIFICATION OR UNAVAILABILITY OF GRAND
23 JUROR. (a) On learning that a grand juror has become disqualified
24 or unavailable during the term of the grand jury, the attorney
25 representing the state shall prepare an order for the court:

26 (1) identifying the disqualified or unavailable grand
27 juror;

1 (2) stating the basis for the disqualification or
2 unavailability;

3 (3) dismissing the disqualified or unavailable grand
4 juror from the grand jury; and

5 (4) naming one of the alternate grand jurors as a
6 member of the grand jury.

7 (b) The procedure established by this article may be used on
8 disqualification or unavailability of a second or subsequent grand
9 juror during the term of the grand jury.

10 (c) For purposes of this article, a grand juror is
11 unavailable if the grand juror is unable to participate fully in the
12 duties of the grand jury because of:

13 (1) the death of the grand juror;

14 (2) a physical or mental illness of the grand juror; or

15 (3) any other reason the court determines constitutes
16 good cause for dismissing the grand juror. (Code Crim. Proc., Art.
17 19.26(b) (part).)

18 Art. 19A.253. RECUSAL OF GRAND JUROR. (a) A grand juror
19 who, during the course of the grand juror's service on the grand
20 jury, determines that the grand juror could be subject to a valid
21 challenge for cause under Article 19A.153, shall recuse himself or
22 herself from grand jury service until the cause no longer exists.

23 (b) A grand juror who knowingly fails to recuse himself or
24 herself under Subsection (a) may be held in contempt of court.

25 (c) A person authorized to be present in the grand jury room
26 shall report a known violation of Subsection (a) to the court.

27 (d) The court shall instruct the grand jury regarding the

1 duty imposed by this article. (Code Crim. Proc., Art. 19.315.)

2 Art. 19A.254. REASSEMBLY OF GRAND JURY. A grand jury
3 discharged by the court for the term may be reassembled by the court
4 at any time during the term. (Code Crim. Proc., Art. 19.41.)

5 Art. 19A.255. EXTENSION OF TERM. (a) If, before the
6 expiration of the term for which the grand jury was impaneled, the
7 foreperson or a majority of the grand jurors declares in open court
8 that the grand jury's investigation of the matters before the grand
9 jury cannot be concluded before the expiration of the term, the
10 judge of the district court in which the grand jury was impaneled
11 may, by an order entered on the minutes of the court, extend, from
12 time to time, the period during which the grand jury serves, for the
13 purpose of concluding the investigation of matters then before the
14 grand jury.

15 (b) The extended period during which the grand jury serves
16 under Subsection (a) may not exceed a total of 90 days after the
17 expiration date of the term for which the grand jury was impaneled.

18 (c) All indictments pertaining to the investigation for
19 which the extension was granted returned by the grand jury during
20 the extended period are as valid as if returned before the
21 expiration of the term. (Code Crim. Proc., Art. 19.07.)

22 SUBCHAPTER G. BAILIFFS

23 Art. 19A.301. BAILIFFS APPOINTED; COMPENSATION. (a) The
24 court and the district attorney may each appoint one or more
25 bailiffs to attend to the grand jury.

26 (b) The court, or a person under the direction of the court,
27 shall administer the following oath to each bailiff at the time of

1 appointment: "You solemnly swear that you will faithfully and
2 impartially perform all the duties of bailiff of the grand jury, and
3 that you will keep secret the proceedings of the grand jury, so help
4 you God."

5 (c) Bailiffs appointed under this article shall be
6 compensated in an amount set by the applicable county commissioners
7 court. (Code Crim. Proc., Art. 19.36.)

8 Art. 19A.302. BAILIFF'S DUTIES. (a) A bailiff shall:

- 9 (1) obey the instructions of the foreperson;
10 (2) summon all witnesses; and
11 (3) perform all duties the foreperson requires of the
12 bailiff.

13 (b) One bailiff shall always be with the grand jury if two or
14 more bailiffs are appointed. (Code Crim. Proc., Art. 19.37.)

15 Art. 19A.303. BAILIFF'S VIOLATION OF DUTY. (a) A bailiff
16 may not:

- 17 (1) take part in the discussions or deliberations of
18 the grand jury; or
19 (2) be present when the grand jury is discussing or
20 voting on a question.

21 (b) The grand jury shall report to the court any violation
22 of duty by a bailiff. The court may punish the bailiff for the
23 violation as for contempt. (Code Crim. Proc., Art. 19.38.)

24 SECTION 1.04. Title 1, Code of Criminal Procedure, is
25 amended by adding Chapter 20A to read as follows:

1 CHAPTER 20A. GRAND JURY PROCEEDINGS
2 SUBCHAPTER A. GENERAL PROVISIONS
3 Art. 20A.001. DEFINITIONS
4 SUBCHAPTER B. DUTIES OF GRAND JURY AND GRAND JURORS
5 Art. 20A.051. DUTIES OF GRAND JURY
6 Art. 20A.052. DUTIES AND POWERS OF FOREPERSON
7 Art. 20A.053. MEETING AND ADJOURNMENT
8 SUBCHAPTER C. GRAND JURY ROOM; PERSONS AUTHORIZED TO BE PRESENT
9 Art. 20A.101. GRAND JURY ROOM
10 Art. 20A.102. PERSONS WHO MAY BE PRESENT IN GRAND JURY
11 ROOM
12 Art. 20A.103. ATTORNEY REPRESENTING STATE ENTITLED TO
13 APPEAR
14 Art. 20A.104. PERSONS WHO MAY ADDRESS GRAND JURY
15 SUBCHAPTER D. ADVICE TO GRAND JURY
16 Art. 20A.151. ADVICE FROM ATTORNEY REPRESENTING STATE
17 Art. 20A.152. ADVICE FROM COURT
18 SUBCHAPTER E. RECORDING AND DISCLOSURE OF GRAND JURY PROCEEDINGS
19 Art. 20A.201. RECORDING OF ACCUSED OR SUSPECTED
20 PERSON'S TESTIMONY; RETENTION OF
21 RECORDS
22 Art. 20A.202. PROCEEDINGS SECRET
23 Art. 20A.203. DISCLOSURE BY PERSON IN PROCEEDING
24 PROHIBITED
25 Art. 20A.204. DISCLOSURE BY ATTORNEY REPRESENTING
26 STATE
27 Art. 20A.205. PETITION FOR DISCLOSURE BY DEFENDANT

1 SUBCHAPTER F. WITNESSES

2 Art. 20A.251. IN-COUNTY WITNESS

3 Art. 20A.252. OUT-OF-COUNTY WITNESS

4 Art. 20A.253. EXECUTION OF PROCESS

5 Art. 20A.254. EVASION OF PROCESS

6 Art. 20A.255. WITNESS REFUSAL TO TESTIFY

7 Art. 20A.256. WITNESS OATH

8 Art. 20A.257. EXAMINATION OF WITNESSES

9 Art. 20A.258. EXAMINATION OF ACCUSED OR SUSPECTED

10 PERSON

11 Art. 20A.259. PEACE OFFICER TESTIMONY BY VIDEO

12 TELECONFERENCING

13 SUBCHAPTER G. INDICTMENT

14 Art. 20A.301. VOTING ON INDICTMENT

15 Art. 20A.302. PREPARATION OF INDICTMENT

16 Art. 20A.303. PRESENTMENT OF INDICTMENT

17 Art. 20A.304. PRESENTMENT OF INDICTMENT ENTERED IN

18 RECORD

19 CHAPTER 20A. GRAND JURY PROCEEDINGS

20 SUBCHAPTER A. GENERAL PROVISIONS

21 Art. 20A.001. DEFINITIONS. In this chapter:

22 (1) "Attorney representing the state" means the
23 attorney general, district attorney, criminal district attorney,
24 or county attorney.

25 (2) "Foreperson" means the foreperson of the grand
26 jury appointed under Article 19A.203. (Code Crim. Proc., Art.
27 20.03 (part); New.)

1 SUBCHAPTER B. DUTIES OF GRAND JURY AND GRAND JURORS

2 Art. 20A.051. DUTIES OF GRAND JURY. The grand jury shall
3 inquire into all offenses subject to indictment of which any grand
4 juror may have knowledge or of which the grand jury is informed by
5 the attorney representing the state or by any other credible
6 person. (Code Crim. Proc., Art. 20.09.)

7 Art. 20A.052. DUTIES AND POWERS OF FOREPERSON. (a) The
8 foreperson shall:

9 (1) preside over the grand jury's sessions; and

10 (2) conduct the grand jury's business and proceedings
11 in an orderly manner.

12 (b) The foreperson may appoint one or more of the grand
13 jurors to act as clerks for the grand jury. (Code Crim. Proc., Art.
14 20.07.)

15 Art. 20A.053. MEETING AND ADJOURNMENT. The grand jury
16 shall meet and adjourn at times agreed on by a majority of the grand
17 jury, except that the grand jury may not adjourn for more than three
18 consecutive days unless the court consents to the adjournment.
19 With the court's consent, the grand jury may adjourn for a longer
20 period and shall conform the grand jury's adjournments as closely
21 as possible to the court's adjournments. (Code Crim. Proc., Art.
22 20.08.)

23 SUBCHAPTER C. GRAND JURY ROOM; PERSONS AUTHORIZED TO BE PRESENT

24 Art. 20A.101. GRAND JURY ROOM. After the grand jury is
25 organized, the grand jury shall discharge the grand jury's duties
26 in a suitable place that the sheriff shall prepare for the grand
27 jury's sessions. (Code Crim. Proc., Art. 20.01.)

1 Art. 20A.102. PERSONS WHO MAY BE PRESENT IN GRAND JURY ROOM.

2 (a) While the grand jury is conducting proceedings, only the
3 following persons may be present in the grand jury room:

4 (1) a grand juror;

5 (2) a bailiff;

6 (3) the attorney representing the state;

7 (4) a witness:

8 (A) while the witness is being examined; or

9 (B) when the witness's presence is necessary to
10 assist the attorney representing the state in examining another
11 witness or presenting evidence to the grand jury;

12 (5) an interpreter, if necessary;

13 (6) a stenographer or a person operating an electronic
14 recording device, as provided by Article 20A.201; and

15 (7) a person operating a video teleconferencing system
16 for use under Article 20A.259.

17 (b) While the grand jury is deliberating, only a grand juror
18 may be present in the grand jury room. (Code Crim. Proc., Art.
19 20.011.)

20 Art. 20A.103. ATTORNEY REPRESENTING STATE ENTITLED TO
21 APPEAR. The attorney representing the state is entitled to appear
22 before the grand jury and inform the grand jury of offenses subject
23 to indictment at any time except when the grand jury is discussing
24 the propriety of finding an indictment or is voting on an
25 indictment. (Code Crim. Proc., Art. 20.03 (part).)

26 Art. 20A.104. PERSONS WHO MAY ADDRESS GRAND JURY. No person
27 may address the grand jury about a matter before the grand jury

1 other than the attorney representing the state, a witness, or the
2 accused or suspected person or the attorney for the accused or
3 suspected person if approved by the attorney representing the
4 state. (Code Crim. Proc., Art. 20.04 (part).)

5 SUBCHAPTER D. ADVICE TO GRAND JURY

6 Art. 20A.151. ADVICE FROM ATTORNEY REPRESENTING STATE. The
7 grand jury may send for the attorney representing the state and ask
8 the attorney's advice on any matter of law or on any question
9 regarding the discharge of the grand jury's duties. (Code Crim.
10 Proc., Art. 20.05.)

11 Art. 20A.152. ADVICE FROM COURT. (a) The grand jury may
12 seek and receive advice from the court regarding any matter before
13 the grand jury. For that purpose, the grand jury shall go into
14 court in a body.

15 (b) The grand jury shall ensure that the manner in which the
16 grand jury's questions are asked does not divulge the particular
17 accusation pending before the grand jury.

18 (c) The grand jury may submit questions to the court in
19 writing. The court may respond to those questions in writing. (Code
20 Crim. Proc., Art. 20.06.)

21 SUBCHAPTER E. RECORDING AND DISCLOSURE OF GRAND JURY PROCEEDINGS

22 Art. 20A.201. RECORDING OF ACCUSED OR SUSPECTED PERSON'S
23 TESTIMONY; RETENTION OF RECORDS. (a) The examination of an accused
24 or suspected person before the grand jury and that person's
25 testimony shall be recorded by a stenographer or by use of an
26 electronic device capable of recording sound.

27 (b) The validity of a grand jury proceeding is not affected

1 by an unintentional failure to record all or part of the examination
2 or testimony under Subsection (a).

3 (c) The attorney representing the state shall maintain
4 possession of all records other than stenographer's notes made
5 under Subsection (a) and any typewritten transcription of those
6 records, except as otherwise provided by this subchapter. (Code
7 Crim. Proc., Art. 20.012.)

8 Art. 20A.202. PROCEEDINGS SECRET. (a) Grand jury
9 proceedings are secret.

10 (b) A subpoena or summons relating to a grand jury
11 proceeding or investigation must be kept secret to the extent and
12 for as long as necessary to prevent the unauthorized disclosure of a
13 matter before the grand jury. This subsection may not be construed
14 to limit a disclosure permitted by Article 20A.204(b), (c), or (d)
15 or 20A.205(a) or (b). (Code Crim. Proc., Arts. 20.02(a), (h).)

16 Art. 20A.203. DISCLOSURE BY PERSON IN PROCEEDING
17 PROHIBITED. (a) A grand juror, bailiff, interpreter, stenographer
18 or person operating an electronic recording device, person
19 preparing a typewritten transcription of a stenographic or
20 electronic recording, or person operating a video teleconferencing
21 system for use under Article 20A.259 who discloses anything
22 transpiring before the grand jury in the course of the grand jury's
23 official duties, regardless of whether the thing transpiring is
24 recorded, may be punished by a fine not to exceed \$500, as for
25 contempt of court, by a term of confinement not to exceed 30 days,
26 or both.

27 (b) A witness who reveals any matter about which the witness

1 is examined or that the witness observes during a grand jury
2 proceeding, other than when the witness is required to give
3 evidence on that matter in due course, may be punished by a fine not
4 to exceed \$500, as for contempt of court, and by a term of
5 confinement not to exceed six months. (Code Crim. Proc., Arts.
6 20.02(b), 20.16(b).)

7 Art. 20A.204. DISCLOSURE BY ATTORNEY REPRESENTING STATE.

8 (a) The attorney representing the state may not disclose anything
9 transpiring before the grand jury except as permitted by this
10 article or Article 20A.205(a) or (b).

11 (b) In performing the attorney's duties, the attorney
12 representing the state may disclose or permit a disclosure of a
13 record made under Article 20A.201 or a typewritten transcription of
14 that record, or may make or permit a disclosure otherwise
15 prohibited by Article 20A.203, to a grand juror serving on the grand
16 jury before which the record was made, another grand jury, a law
17 enforcement agency, or a prosecuting attorney, as the attorney
18 representing the state determines is necessary to assist the
19 attorney in the performance of the attorney's duties.

20 (c) The attorney representing the state shall warn any
21 person authorized to receive information under Subsection (b) of
22 the person's duty to maintain the secrecy of the information.

23 (d) A person who receives information under Subsection (b)
24 and discloses that information for purposes other than those
25 permitted by that subsection may be punished for contempt in the
26 same manner as a person who violates Article 20A.203(a). (Code
27 Crim. Proc., Arts. 20.02(c), (g).)

1 Art. 20A.205. PETITION FOR DISCLOSURE BY DEFENDANT. (a)

2 The defendant may petition a court to order the disclosure of
3 information made secret by Article 20A.202, 20A.203(a), or 20A.204,
4 including a recording or typewritten transcription under Article
5 20A.201, as a matter preliminary to or in connection with a judicial
6 proceeding. The court may order disclosure of the information if
7 the defendant shows a particularized need.

8 (b) A petition for disclosure under Subsection (a) must be
9 filed in the district court in which the case is pending. The
10 defendant must also file a copy of the petition with the attorney
11 representing the state, the parties to the judicial proceeding, and
12 any other person the court requires. Each person who receives a
13 copy of the petition under this subsection is entitled to appear
14 before the court. The court shall provide interested parties with
15 an opportunity to appear and present arguments for or against the
16 requested disclosure.

17 (c) A person who receives information under this article and
18 discloses that information may be punished for contempt in the same
19 manner as a person who violates Article 20A.203(a). (Code
20 Crim. Proc., Arts. 20.02(d), (e), (f).)

21 SUBCHAPTER F. WITNESSES

22 Art. 20A.251. IN-COUNTY WITNESS. (a) In term time or
23 vacation, the foreperson or the attorney representing the state may
24 issue a summons or attachment for any witness in the county in which
25 the grand jury sits.

26 (b) A summons or attachment issued under Subsection (a) may
27 require the witness to appear before the grand jury at a specified

1 time, or immediately, without stating the matter under
2 investigation. (Code Crim. Proc., Art. 20.10.)

3 Art. 20A.252. OUT-OF-COUNTY WITNESS. (a) The foreperson
4 or the attorney representing the state may cause a subpoena or
5 attachment for a witness to be issued to any county in the state by
6 submitting a written application to the district court stating the
7 name and residence of the witness and that the witness's testimony
8 is believed to be material.

9 (b) A subpoena or attachment issued under this article:

10 (1) is returnable to the grand jury in session or to
11 the next grand jury for the county in which the subpoena or
12 attachment was issued, as determined by the applicant; and

13 (2) shall be served and returned in the manner
14 prescribed by Chapter 24.

15 (c) A subpoena issued under this article may require the
16 witness to appear and produce records and documents.

17 (d) A witness subpoenaed under this article shall be
18 compensated as provided by this code.

19 (e) An attachment issued under this article must command the
20 sheriff or any constable of the county in which the witness resides
21 to serve the witness and to bring the witness before the grand jury
22 at a time and place specified in the attachment.

23 (f) The attorney representing the state may cause an
24 attachment to be issued under this article in term time or vacation.
25 (Code Crim. Proc., Arts. 20.11, 20.12.)

26 Art. 20A.253. EXECUTION OF PROCESS. (a) A bailiff or other
27 officer who receives process to be served from the grand jury shall

1 immediately execute the process and return the process to:

- 2 (1) the foreperson, if the grand jury is in session; or
3 (2) the district clerk, if the grand jury is not in
4 session.

5 (b) If the process is returned unexecuted, the return must
6 state why the process was not executed. (Code Crim. Proc.,
7 Art. 20.13.)

8 Art. 20A.254. EVASION OF PROCESS. If the court determines
9 that a witness for whom an attachment has been issued to appear
10 before the grand jury is in any manner wilfully evading the service
11 of the summons or attachment, the court may fine the witness, as for
12 contempt, in an amount not to exceed \$500. (Code Crim. Proc.,
13 Art. 20.14.)

14 Art. 20A.255. WITNESS REFUSAL TO TESTIFY. (a) If a witness
15 brought in any manner before a grand jury refuses to testify, the
16 witness's refusal shall be communicated to the attorney
17 representing the state or to the court.

18 (b) The court may compel a witness described by Subsection
19 (a) to answer a proper question by imposing a fine not to exceed
20 \$500 and by committing the witness to jail until the witness is
21 willing to testify. (Code Crim. Proc., Art. 20.15.)

22 Art. 20A.256. WITNESS OATH. Before each witness is
23 examined, the foreperson or a person under the foreperson's
24 direction shall administer the following oath to the witness: "You
25 solemnly swear that you will not reveal, by your words or conduct,
26 and will keep secret any matter about which you may be examined or
27 that you have observed during the proceedings of the grand jury, and

1 that you will answer truthfully the questions asked of you by the
2 grand jury, or under its direction, so help you God." (Code Crim.
3 Proc., Art. 20.16(a).)

4 Art. 20A.257. EXAMINATION OF WITNESSES. (a) Only a grand
5 juror or the attorney representing the state may examine a witness
6 before the grand jury.

7 (b) The attorney representing the state shall advise the
8 grand jury regarding the proper mode of examining a witness.

9 (c) If a felony has been committed in any county in the grand
10 jury's jurisdiction, and the name of the offender is known or
11 unknown or if it is uncertain when or how the felony was committed,
12 the grand jury shall first state the subject matter under
13 investigation to a witness called before the grand jury and may then
14 ask questions relevant to the transaction in general terms and in a
15 manner that enables a determination as to whether the witness has
16 knowledge of the violation of any particular law by any person, and
17 if so, by what person. (Code Crim. Proc., Arts. 20.04 (part),
18 20.18.)

19 Art. 20A.258. EXAMINATION OF ACCUSED OR SUSPECTED PERSON.

20 (a) Before the examination of an accused or suspected person who is
21 subpoenaed to appear before the grand jury, the person shall be:

22 (1) provided the warnings described by Subsection (b)
23 orally and in writing; and

24 (2) given a reasonable opportunity to:

25 (A) retain counsel or apply to the court for an
26 appointed attorney; and

27 (B) consult with counsel before appearing before

1 the grand jury.

2 (b) The warnings required under Subsection (a)(1) must
3 consist of the following:

4 "Your testimony before this grand jury is under oath. Any
5 material question that is answered falsely before this grand jury
6 subjects you to being prosecuted for aggravated perjury. You have
7 the right to refuse to make answers to any question, the answer to
8 which would incriminate you in any manner. You have the right to
9 have a lawyer present outside this chamber to advise you before
10 making answers to questions you feel might incriminate you. Any
11 testimony you give may be used against you at any subsequent
12 proceeding. If you are unable to employ a lawyer, you have the
13 right to have a lawyer appointed to advise you before making an
14 answer to a question, the answer to which you feel might incriminate
15 you."

16 (c) In examining an accused or suspected person, the grand
17 jury shall:

18 (1) first state:

19 (A) the offense of which the person is accused or
20 suspected;

21 (B) the county in which the offense is alleged to
22 have been committed; and

23 (C) as closely as possible, the time the offense
24 was committed; and

25 (2) direct the examination to the offense under
26 investigation. (Code Crim. Proc., Art. 20.17.)

27 Art. 20A.259. PEACE OFFICER TESTIMONY BY VIDEO

1 TELECONFERENCING. (a) With the consent of the foreperson and the
2 attorney representing the state, a peace officer summoned to
3 testify before the grand jury may testify through the use of a
4 closed circuit video teleconferencing system that provides a
5 simultaneous, encrypted, compressed full motion video and
6 interactive communication of image and sound between the officer,
7 the grand jury, and the attorney representing the state.

8 (b) In addition to being administered the oath required
9 under Article 20A.256, before being examined, a peace officer
10 testifying through the use of a closed circuit video
11 teleconferencing system under this article shall affirm that the
12 officer's testimony:

13 (1) cannot be heard by any person other than a person
14 in the grand jury room; and

15 (2) is not being recorded or otherwise preserved by
16 any person at the location from which the officer is testifying.

17 (c) Testimony received from a peace officer under this
18 article shall be recorded in the same manner as other testimony
19 taken before the grand jury and shall be preserved. (Code Crim.
20 Proc., Art. 20.151.)

21 SUBCHAPTER G. INDICTMENT

22 Art. 20A.301. VOTING ON INDICTMENT. After all the
23 testimony accessible to the grand jury has been given with respect
24 to any criminal accusation, the grand jury shall vote on the
25 presentment of an indictment. If at least nine grand jurors concur
26 in finding the bill, the foreperson shall make a memorandum of the
27 vote with any information enabling the attorney representing the

1 state to prepare the indictment. (Code Crim. Proc., Art. 20.19.)

2 Art. 20A.302. PREPARATION OF INDICTMENT. (a) The attorney
3 representing the state shall prepare, with as little delay as
4 possible, each indictment found by the grand jury and shall deliver
5 the indictment to the foreperson. The attorney shall endorse on the
6 indictment the name of each witness on whose testimony the
7 indictment was found.

8 (b) The foreperson shall officially sign each indictment
9 prepared and delivered under Subsection (a). (Code Crim. Proc.,
10 Art. 20.20.)

11 Art. 20A.303. PRESENTMENT OF INDICTMENT. When an
12 indictment is ready to be presented, the grand jury shall, through
13 the foreperson, deliver the indictment to the judge or court clerk.
14 At least nine grand jurors must be present to deliver the
15 indictment. (Code Crim. Proc., Art. 20.21.)

16 Art. 20A.304. PRESENTMENT OF INDICTMENT ENTERED IN RECORD.
17 (a) If the defendant is in custody or under bond at the time the
18 indictment is presented, the fact of the presentment shall be
19 entered in the court's record, noting briefly the style of the
20 criminal action, the file number of the indictment, and the
21 defendant's name.

22 (b) If the defendant is not in custody or under bond at the
23 time the indictment is presented, the indictment may not be made
24 public and the entry in the court's record relating to the
25 indictment must be delayed until the capias is served and the
26 defendant is placed in custody or under bond. (Code Crim. Proc.,
27 Art. 20.22.)

1 SECTION 1.05. Title 1, Code of Criminal Procedure, is
2 amended by adding Chapter 56A to read as follows:

3 CHAPTER 56A. RIGHTS OF CRIME VICTIMS

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Art. 56A.001. DEFINITIONS

6 SUBCHAPTER B. CRIME VICTIMS' RIGHTS

7 Art. 56A.051. GENERAL RIGHTS

8 Art. 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL

9 ASSAULT, STALKING, OR TRAFFICKING

10 Art. 56A.053. FAILURE TO PROVIDE RIGHT OR SERVICE

11 Art. 56A.054. STANDING

12 SUBCHAPTER C. ADDITIONAL PROTECTIONS FOR VICTIMS AND WITNESSES

13 Art. 56A.101. VICTIM PRIVACY

14 Art. 56A.102. VICTIM OR WITNESS DISCOVERY ATTENDANCE

15 SUBCHAPTER D. VICTIM IMPACT STATEMENT

16 Art. 56A.151. VICTIM IMPACT STATEMENT; INFORMATION

17 BOOKLET

18 Art. 56A.152. RECOMMENDATIONS TO ENSURE SUBMISSION OF

19 STATEMENT

20 Art. 56A.153. NOTIFICATION TO COURT REGARDING RELEASE

21 OF DEFENDANT WITH ACCESS TO CHILD

22 VICTIM

23 Art. 56A.154. CHANGE OF ADDRESS

24 Art. 56A.155. DISCOVERY OF STATEMENT

25 Art. 56A.156. INSPECTION OF STATEMENT BY COURT;

26 DISCLOSURE OF CONTENTS

27 Art. 56A.157. CONSIDERATION OF STATEMENT BY COURT

- 1 Art. 56A.158. DEFENDANT RESPONSE TO STATEMENT
- 2 Art. 56A.159. TRANSFER OF STATEMENT AFTER SENTENCING
- 3 Art. 56A.160. SURVEY PLAN REGARDING STATEMENTS
- 4 SUBCHAPTER E. VICTIM ASSISTANCE COORDINATOR; CRIME VICTIM LIAISON
- 5 Art. 56A.201. DESIGNATION OF VICTIM ASSISTANCE
- 6 COORDINATOR
- 7 Art. 56A.202. DUTIES OF VICTIM ASSISTANCE COORDINATOR
- 8 Art. 56A.203. DESIGNATION OF CRIME VICTIM LIAISON
- 9 Art. 56A.204. DUTIES OF CRIME VICTIM LIAISON
- 10 Art. 56A.205. PSYCHOLOGICAL COUNSELING FOR CERTAIN
- 11 JURORS
- 12 SUBCHAPTER F. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT
- 13 VICTIM REPORTING ASSAULT
- 14 Art. 56A.251. REQUEST FOR FORENSIC MEDICAL EXAMINATION
- 15 Art. 56A.252. PAYMENT OF COSTS OF EXAMINATION
- 16 Art. 56A.253. PAYMENT OF COSTS RELATED TO TESTIMONY
- 17 Art. 56A.254. PAYMENT OF COSTS FOR CERTAIN MEDICAL
- 18 CARE
- 19 Art. 56A.255. PAYMENT OF COSTS OF TREATMENT NOT
- 20 REQUIRED
- 21 SUBCHAPTER G. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT
- 22 VICTIM NOT REPORTING ASSAULT
- 23 Art. 56A.301. DEFINITIONS
- 24 Art. 56A.302. APPLICABILITY
- 25 Art. 56A.303. FORENSIC MEDICAL EXAMINATION
- 26 Art. 56A.304. PAYMENT OF FEES RELATED TO EXAMINATION

- 1 Art. 56A.305. PAYMENT OF COSTS FOR CERTAIN MEDICAL
2 CARE
- 3 Art. 56A.306. PROCEDURES FOR TRANSFER AND PRESERVATION
4 OF EVIDENCE
- 5 Art. 56A.307. PROCEDURES FOR SUBMISSION OR COLLECTION
6 OF ADDITIONAL EVIDENCE
- 7 Art. 56A.308. CONFIDENTIALITY OF CERTAIN RECORDS
- 8 Art. 56A.309. RULES
- 9 SUBCHAPTER H. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING
10 FORENSIC MEDICAL EXAMINATION
- 11 Art. 56A.351. PRESENCE OF SEXUAL ASSAULT PROGRAM
12 ADVOCATE
- 13 Art. 56A.352. REPRESENTATIVE PROVIDED BY PENAL
14 INSTITUTION
- 15 SUBCHAPTER I. REQUIRED NOTIFICATIONS BY LAW ENFORCEMENT AGENCY
- 16 Art. 56A.401. NOTIFICATION OF RIGHTS
- 17 Art. 56A.402. REFERRAL TO SEXUAL ASSAULT PROGRAM
- 18 SUBCHAPTER J. REQUIRED NOTIFICATIONS BY ATTORNEY REPRESENTING THE
19 STATE
- 20 Art. 56A.451. NOTIFICATION OF RIGHTS
- 21 Art. 56A.452. NOTIFICATION OF SCHEDULED COURT
22 PROCEEDINGS
- 23 Art. 56A.453. NOTIFICATION OF PLEA BARGAIN AGREEMENT
- 24 Art. 56A.454. VICTIM CONTACT INFORMATION
- 25 SUBCHAPTER K. NOTIFICATION BY CERTAIN ENTITIES OF RELEASE OR
26 ESCAPE
- 27 Art. 56A.501. DEFINITIONS

- 1 Art. 56A.502. APPLICABILITY
- 2 Art. 56A.503. NOTIFICATION OF RELEASE OR ESCAPE
- 3 Art. 56A.504. NOTIFICATION REGARDING DEFENDANT SUBJECT
- 4 TO ELECTRONIC MONITORING
- 5 Art. 56A.505. NOTIFICATION OF RIGHT TO NOTICE
- 6 Art. 56A.506. VICTIM OR WITNESS CONTACT INFORMATION;
- 7 CONFIDENTIALITY
- 8 Art. 56A.507. TIME FOR NOTICE
- 9 SUBCHAPTER L. NOTIFICATION BY DEPARTMENT OF ESCAPE OR TRANSFER
- 10 Art. 56A.551. DEFINITION
- 11 Art. 56A.552. NOTIFICATION OF VICTIM
- 12 Art. 56A.553. NOTIFICATION OF WITNESS
- 13 Art. 56A.554. REQUEST FOR NOTIFICATION; CHANGE OF
- 14 ADDRESS
- 15 Art. 56A.555. NOTICE OF TRANSFER FROM OR RETURN TO
- 16 CUSTODY
- 17 SUBCHAPTER M. OTHER POWERS AND DUTIES OF DEPARTMENT AND
- 18 CLEARINGHOUSE
- 19 Art. 56A.601. DATABASE FOR DEFENDANT RELEASE
- 20 INFORMATION
- 21 Art. 56A.602. VICTIM-OFFENDER MEDIATION
- 22 Art. 56A.603. CLEARINGHOUSE ANNUAL CONFERENCE
- 23 Art. 56A.604. CRIME VICTIM ASSISTANCE STANDARDS
- 24 CHAPTER 56A. RIGHTS OF CRIME VICTIMS
- 25 SUBCHAPTER A. GENERAL PROVISIONS
- 26 Art. 56A.001. DEFINITIONS. Except as otherwise provided by
- 27 this chapter, in this chapter:

- 1 (1) "Board" means the Board of Pardons and Paroles.
- 2 (2) "Clearinghouse" means the Texas Crime Victim
3 Clearinghouse.
- 4 (3) "Close relative of a deceased victim" means a
5 person who:
- 6 (A) was the spouse of a deceased victim at the
7 time of the victim's death; or
- 8 (B) is a parent or adult brother, sister, or
9 child of a deceased victim.
- 10 (4) "Department" means the Texas Department of
11 Criminal Justice.
- 12 (5) "Guardian of a victim" means a person who is the
13 legal guardian of the victim, regardless of whether the legal
14 relationship between the guardian and victim exists because of the
15 age of the victim or the physical or mental incompetency of the
16 victim.
- 17 (6) "Sexual assault" means an offense under the
18 following provisions of the Penal Code:
- 19 (A) Section 21.02;
- 20 (B) Section 21.11(a)(1);
- 21 (C) Section 22.011; or
- 22 (D) Section 22.021.
- 23 (7) "Victim" means a person who:
- 24 (A) is the victim of the offense of:
- 25 (i) sexual assault;
- 26 (ii) kidnapping;
- 27 (iii) aggravated robbery;

1 (iv) trafficking of persons; or
2 (v) injury to a child, elderly individual,
3 or disabled individual; or

4 (B) has suffered personal injury or death as a
5 result of the criminal conduct of another. (Code Crim. Proc., Art.
6 56.01; New.)

7 SUBCHAPTER B. CRIME VICTIMS' RIGHTS

8 Art. 56A.051. GENERAL RIGHTS. (a) A victim, guardian of a
9 victim, or close relative of a deceased victim is entitled to the
10 following rights within the criminal justice system:

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

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

17 (3) if requested, the right to be informed:

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

22 (B) by an appellate court of the court's
23 decisions, after the decisions are entered but before the decisions
24 are made public;

25 (4) when requested, the right to be informed:

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

1 (B) by the office of the attorney representing
2 the state concerning the general procedures in the criminal justice
3 system, including general procedures in guilty plea negotiations
4 and arrangements, restitution, and the appeals and parole process;

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

10 (6) the right to receive information regarding
11 compensation to victims of crime as provided by Chapter 56B,
12 including information related to the costs that may be compensated
13 under that chapter and the amount of compensation, eligibility for
14 compensation, and procedures for application for compensation
15 under that chapter, the payment for a forensic medical examination
16 under Article 56A.252 for a victim of an alleged sexual assault, and
17 when requested, to referral to available social service agencies
18 that may offer additional assistance;

19 (7) the right to:

20 (A) be informed, on request, of parole
21 procedures;

22 (B) participate in the parole process;

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

27 (D) be notified, if requested, of parole

1 proceedings concerning a defendant in the victim's case and of the
2 defendant's release;

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

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

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

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

20 (12) the right to be informed of the uses of a victim
21 impact statement and the statement's purpose in the criminal
22 justice system as described by Subchapter D, to complete the victim
23 impact statement, and to have the victim impact statement
24 considered:

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

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

3 (13) for a victim of an assault or sexual assault who
4 is younger than 17 years of age or whose case involves family
5 violence, as defined by Section 71.004, Family Code, the right to
6 have the court consider the impact on the victim of a continuance
7 requested by the defendant; if requested by the attorney
8 representing the state or by the defendant's attorney, the court
9 shall state on the record the reason for granting or denying the
10 continuance; and

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

12 (A) receive by mail from the court a written
13 explanation of defense-initiated victim outreach if the court has
14 authorized expenditures for a defense-initiated victim outreach
15 specialist;

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

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

22 (b) A victim, guardian of a victim, or close relative of a
23 deceased victim is entitled to the right to be present at all public
24 court proceedings related to the offense, subject to the approval
25 of the judge in the case.

26 (c) The office of the attorney representing the state and
27 the sheriff, police, and other law enforcement agencies shall

1 ensure to the extent practicable that a victim, guardian of a
2 victim, or close relative of a deceased victim is provided the
3 rights granted by this subchapter and, on request, an explanation
4 of those rights. (Code Crim. Proc., Arts. 56.02(a), (b), (c).)

5 Art. 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL
6 ASSAULT, STALKING, OR TRAFFICKING. (a) If the offense is a sexual
7 assault, a victim, guardian of a victim, or close relative of a
8 deceased victim is entitled to the following rights within the
9 criminal justice system:

10 (1) if requested, the right to a disclosure of
11 information regarding:

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

18 (B) the status of any analysis being performed of
19 any evidence described by Paragraph (A);

20 (2) if requested, the right to be notified:

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

24 (B) at the time of the submission of a request to
25 compare any biological evidence collected during the investigation
26 of the offense with DNA profiles maintained in a state or federal
27 DNA database; and

1 (C) of the results of the comparison described by
2 Paragraph (B), unless disclosing the results would interfere with
3 the investigation or prosecution of the offense, in which event the
4 victim, guardian, or relative shall be informed of the estimated
5 date on which those results are expected to be disclosed;

6 (3) if requested, the right to counseling regarding
7 acquired immune deficiency syndrome (AIDS) and human
8 immunodeficiency virus (HIV) infection; and

9 (4) for the victim, the right to:

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

14 (B) a forensic medical examination to the extent
15 provided by Subchapters F and G if, within 96 hours of the offense:

16 (i) the offense is reported to a law
17 enforcement agency; or

18 (ii) a forensic medical examination is
19 otherwise conducted at a health care facility.

20 (b) A victim, guardian of a victim, or close relative of a
21 deceased victim who requests to be notified under Subsection (a)(2)
22 must provide a current address and phone number to the attorney
23 representing the state and the law enforcement agency that is
24 investigating the offense. The victim, guardian, or relative must
25 inform the attorney representing the state and the law enforcement
26 agency of any change in the address or phone number.

27 (c) A victim, guardian of a victim, or close relative of a

1 deceased victim may designate a person, including an entity that
2 provides services to victims of sexual assault, to receive any
3 notice requested under Subsection (a)(2).

4 (d) This subsection applies only to a victim of an offense
5 under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 42.072,
6 or 43.05, Penal Code. A victim described by this subsection or a
7 parent or guardian of the victim is entitled to the following rights
8 within the criminal justice system:

9 (1) the right to be informed:

10 (A) that the victim or the victim's parent or
11 guardian, as applicable, may file an application for a protective
12 order under Article 7B.001;

13 (B) of the court in which the application for a
14 protective order may be filed; and

15 (C) that, on request of the victim or of the
16 victim's parent or guardian, as applicable, and subject to the
17 Texas Disciplinary Rules of Professional Conduct, the attorney
18 representing the state may file the application for a protective
19 order on behalf of the victim;

20 (2) the right to request that the attorney
21 representing the state, subject to the Texas Disciplinary Rules of
22 Professional Conduct, file an application for a protective order
23 described by Subdivision (1);

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

27 (A) be given by the court the information

1 described by Subdivision (1); and

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

6 (4) if the victim or the victim's parent or guardian,
7 as applicable, is not present when the defendant is convicted or
8 placed on deferred adjudication community supervision, the right to
9 be given by the attorney representing the state the information
10 described by Subdivision (1). (Code Crim. Proc., Art. 56.021.)

11 Art. 56A.053. FAILURE TO PROVIDE RIGHT OR SERVICE. (a) A
12 judge, attorney representing the state, peace officer, or law
13 enforcement agency is not liable for a failure or inability to
14 provide a right granted by this subchapter.

15 (b) The failure or inability of any person to provide a
16 right or service granted by this subchapter may not be used by a
17 defendant in a criminal case as a ground for appeal, a ground to set
18 aside the conviction or sentence, or a ground in a habeas corpus
19 petition. (Code Crim. Proc., Art. 56.02(d) (part).)

20 Art. 56A.054. STANDING. A victim, guardian of a victim, or
21 close relative of a deceased victim does not have standing to:

22 (1) participate as a party in a criminal proceeding;

23 or

24 (2) contest the disposition of any charge. (Code
25 Crim. Proc., Art. 56.02(d) (part).)

26 SUBCHAPTER C. ADDITIONAL PROTECTIONS FOR VICTIMS AND WITNESSES

27 Art. 56A.101. VICTIM PRIVACY. (a) As far as reasonably

1 practical, the address of the victim may not be a part of the court
2 file except as necessary to identify the place of the offense.

3 (b) The phone number of the victim may not be a part of the
4 court file. (Code Crim. Proc., Art. 56.09.)

5 Art. 56A.102. VICTIM OR WITNESS DISCOVERY ATTENDANCE.
6 Unless absolutely necessary, a victim or witness who is not
7 confined may not be required to attend a deposition in a
8 correctional facility. (Code Crim. Proc., Art. 56.10.)

9 SUBCHAPTER D. VICTIM IMPACT STATEMENT

10 Art. 56A.151. VICTIM IMPACT STATEMENT; INFORMATION
11 BOOKLET. (a) The clearinghouse, with the participation of the
12 board and the community justice assistance division of the
13 department, shall develop a form to be used by law enforcement
14 agencies, attorneys representing the state, and other participants
15 in the criminal justice system to record the impact of an offense on
16 a victim of the offense, guardian of a victim, or close relative of
17 a deceased victim and to provide the agencies, attorneys, and
18 participants with information needed to contact the victim,
19 guardian, or relative if needed at any stage of a prosecution of a
20 person charged with the offense. The clearinghouse, with the
21 participation of the board and the community justice assistance
22 division of the department, shall also develop a victims'
23 information booklet that provides a general explanation of the
24 criminal justice system to victims of an offense, guardians of
25 victims, and relatives of deceased victims.

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

1 (1) inform a victim, guardian of a victim, or close
2 relative of a deceased victim with a clear statement of rights
3 granted by Subchapter B; and

4 (2) collect the following information:

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

8 (B) the address and telephone number of the
9 victim, guardian, or relative through which the victim, guardian,
10 or relative may be contacted;

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

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

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

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

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

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

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

4 (c) The victim impact statement must include an explanation
5 regarding the procedures by which a victim, guardian of a victim, or
6 close relative of a deceased victim may obtain information
7 concerning the release of the defendant from the department.

8 (d) Not later than December 1 of each odd-numbered year, the
9 clearinghouse, with the participation of the board and the
10 community justice assistance division of the department, shall
11 update the victim impact statement form and any other information
12 provided by the community justice assistance division to victims,
13 guardians of victims, and relatives of deceased victims, if
14 necessary, to reflect changes in law relating to criminal justice
15 and the rights of victims and guardians and relatives of victims.
16 (Code Crim. Proc., Arts. 56.03(a), (b), (h), (i) (part).)

17 Art. 56A.152. RECOMMENDATIONS TO ENSURE SUBMISSION OF
18 STATEMENT. The victim services division of the department, in
19 consultation with the board, law enforcement agencies, offices of
20 attorneys representing the state, and other participants in the
21 criminal justice system, shall develop recommendations to ensure
22 that completed victim impact statements are submitted to the
23 department as provided by Article 56A.159(b). (Code Crim. Proc.,
24 Art. 56.04(d-1).)

25 Art. 56A.153. NOTIFICATION TO COURT REGARDING RELEASE OF
26 DEFENDANT WITH ACCESS TO CHILD VICTIM. If information collected
27 under Article 56A.151(b)(2)(H) indicates the defendant is granted

1 possession of or access to a child victim under court order and the
2 department subsequently imprisons the defendant as a result of the
3 defendant's commission of the offense, the victim services division
4 of the department shall contact the court that issued the order
5 before the department releases the defendant on parole or to
6 mandatory supervision. (Code Crim. Proc., Art. 56.03(i) (part).)

7 Art. 56A.154. CHANGE OF ADDRESS. If a victim, guardian of a
8 victim, or close relative of a deceased victim states on a victim
9 impact statement that the victim, guardian, or relative wants to be
10 notified of parole proceedings, the victim, guardian, or relative
11 must notify the board of any change of address. (Code Crim. Proc.,
12 Art. 56.03(d).)

13 Art. 56A.155. DISCOVERY OF STATEMENT. A victim impact
14 statement is subject to discovery under Article 39.14 before the
15 testimony of the victim is taken only if the court determines that
16 the statement contains exculpatory material. (Code Crim. Proc.,
17 Art. 56.03(g).)

18 Art. 56A.156. INSPECTION OF STATEMENT BY COURT; DISCLOSURE
19 OF CONTENTS. The court may not inspect a victim impact statement
20 until after a finding of guilt or until deferred adjudication
21 community supervision is ordered and the contents of the statement
22 may not be disclosed to any person unless:

23 (1) the defendant pleads guilty or nolo contendere or
24 is convicted of the offense; or

25 (2) the defendant authorizes the court in writing to
26 inspect the statement. (Code Crim. Proc., Art. 56.03(f).)

27 Art. 56A.157. CONSIDERATION OF STATEMENT BY COURT. (a)

1 Before imposing a sentence, a court shall, as applicable, inquire
2 as to whether a victim impact statement has been returned to the
3 attorney representing the state and, if a statement has been
4 returned to the attorney, consider the information provided in the
5 statement.

6 (b) On inquiry by the sentencing court, the attorney
7 representing the state shall make a copy of the statement available
8 for consideration by the court. (Code Crim. Proc., Arts. 56.03(e)
9 (part), 56.04(e) (part).)

10 Art. 56A.158. DEFENDANT RESPONSE TO STATEMENT. Before
11 sentencing a defendant, a court shall permit the defendant or the
12 defendant's attorney a reasonable period to:

13 (1) read the victim impact statement, excluding the
14 victim's name, address, and telephone number;

15 (2) comment on the statement; and

16 (3) with the approval of the court, introduce
17 testimony or other information alleging a factual inaccuracy in the
18 statement. (Code Crim. Proc., Art. 56.03(e) (part).)

19 Art. 56A.159. TRANSFER OF STATEMENT AFTER SENTENCING. (a)
20 If a court sentences a defendant to a period of community
21 supervision, the attorney representing the state shall forward any
22 victim impact statement received in the case to the community
23 supervision and corrections department supervising the defendant.

24 (b) If a court sentences a defendant to imprisonment in the
25 department, the court shall attach to the commitment papers the
26 copy of the victim impact statement provided to the court under
27 Article 56A.157(b). (Code Crim. Proc., Arts. 56.03(e) (part),

1 56.04(e) (part).)

2 Art. 56A.160. SURVEY PLAN REGARDING STATEMENTS. (a) In
3 this article, "planning body" means the board, the clearinghouse,
4 and the community justice assistance division of the department.

5 (b) The planning body shall develop a survey plan to
6 maintain statistics on the numbers and types of persons to whom
7 state and local agencies provide victim impact statements during
8 each year.

9 (c) At intervals specified in the survey plan, the planning
10 body may require any state or local agency to submit the following,
11 in a form prescribed for the reporting of the information:

12 (1) statistical data on the numbers and types of
13 persons to whom the agency provides victim impact statements; and

14 (2) any other information required by the planning
15 body.

16 (d) The form described by Subsection (c) must be designed
17 to:

18 (1) protect the privacy of persons provided rights
19 under Subchapter B; and

20 (2) determine whether the selected agency is making a
21 good faith effort to protect the rights of the persons served.

22 (Code Crim. Proc., Arts. 56.05(a), (b).)

23 SUBCHAPTER E. VICTIM ASSISTANCE COORDINATOR; CRIME VICTIM LIAISON

24 Art. 56A.201. DESIGNATION OF VICTIM ASSISTANCE
25 COORDINATOR. The district attorney, criminal district attorney, or
26 county attorney who prosecutes criminal cases shall designate a
27 person to serve as victim assistance coordinator in that

1 jurisdiction. (Code Crim. Proc., Art. 56.04(a).)

2 Art. 56A.202. DUTIES OF VICTIM ASSISTANCE COORDINATOR. (a)
3 The victim assistance coordinator designated under Article 56A.201
4 shall:

5 (1) ensure that a victim, guardian of a victim, or
6 close relative of a deceased victim is provided the rights granted
7 to victims, guardians, or relatives by Subchapter B; and

8 (2) work closely with appropriate law enforcement
9 agencies, attorneys representing the state, the board, and the
10 judiciary in carrying out the duty described by Subdivision (1).

11 (b) The victim assistance coordinator shall send to a
12 victim, guardian of a victim, or close relative of a deceased victim
13 a victim impact statement and victims' information booklet
14 described by Article 56A.151 and an application for compensation
15 under Chapter 56B. The victim assistance coordinator shall include
16 an offer to assist in completing the statement and application on
17 request.

18 (c) The victim assistance coordinator, on request, shall
19 explain the possible use and consideration of the victim impact
20 statement at any sentencing or parole hearing of the defendant.
21 (Code Crim. Proc., Arts. 56.03(c), 56.04(b).)

22 Art. 56A.203. DESIGNATION OF CRIME VICTIM LIAISON. Each
23 local law enforcement agency shall designate one person to serve as
24 the agency's crime victim liaison. (Code Crim. Proc., Art.
25 56.04(c) (part).)

26 Art. 56A.204. DUTIES OF CRIME VICTIM LIAISON. (a) The
27 crime victim liaison designated under Article 56A.203 shall ensure

1 that a victim, guardian of a victim, or close relative of a deceased
2 victim is provided the rights granted to victims, guardians, or
3 relatives by Articles 56A.051(a)(4), (6), and (9).

4 (b) Each local law enforcement agency shall consult with the
5 victim assistance coordinator in the office of the attorney
6 representing the state to determine the most effective manner in
7 which the crime victim liaison can perform the duties imposed on the
8 crime victim liaison under this article and, if applicable, Article
9 56A.205. (Code Crim. Proc., Arts. 56.04(c) (part), (d).)

10 Art. 56A.205. PSYCHOLOGICAL COUNSELING FOR CERTAIN JURORS.

11 (a) A commissioners court may approve a program in which a crime
12 victim liaison or victim assistance coordinator may offer not more
13 than 10 hours of post-investigation or posttrial psychological
14 counseling for a person who:

15 (1) serves as a grand juror, alternate grand juror,
16 juror, or alternate juror in a grand jury investigation or criminal
17 trial involving graphic evidence or testimony; and

18 (2) requests the counseling not later than the 180th
19 day after the date on which the grand jury or jury is dismissed.

20 (b) The crime victim liaison or victim assistance
21 coordinator may provide the counseling using a provider that
22 assists local criminal justice agencies in providing similar
23 services to victims. (Code Crim. Proc., Art. 56.04(f).)

24 SUBCHAPTER F. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT

25 VICTIM REPORTING ASSAULT

26 Art. 56A.251. REQUEST FOR FORENSIC MEDICAL EXAMINATION.

27 (a) Except as provided by Subsection (b), if a sexual assault is

1 reported to a law enforcement agency within 96 hours after the
2 assault, the law enforcement agency, with the consent of the victim
3 of the alleged assault, a person authorized to act on behalf of the
4 victim, or an employee of the Department of Family and Protective
5 Services, shall request a forensic medical examination of the
6 victim for use in the investigation or prosecution of the offense.

7 (b) A law enforcement agency may decline to request a
8 forensic medical examination under Subsection (a) only if:

9 (1) the person reporting the sexual assault has made
10 one or more false reports of sexual assault to any law enforcement
11 agency; and

12 (2) there is no other evidence to corroborate the
13 current allegations of sexual assault.

14 (c) If a sexual assault is not reported within the period
15 described by Subsection (a), on receiving the consent described by
16 that subsection a law enforcement agency may request a forensic
17 medical examination of a victim of an alleged sexual assault as
18 considered appropriate by the agency. (Code Crim. Proc., Arts.
19 56.06(a), (b).)

20 Art. 56A.252. PAYMENT OF COSTS OF EXAMINATION. A law
21 enforcement agency that requests a forensic medical examination
22 under Article 56A.251 shall pay all costs of the examination. On
23 application to the attorney general, the law enforcement agency is
24 entitled to be reimbursed for the reasonable costs of the
25 examination if the examination was performed by a physician or by a
26 sexual assault examiner or sexual assault nurse examiner, as
27 defined by Section 420.003, Government Code. (Code Crim. Proc.,

1 Art. 56.06(c).)

2 Art. 56A.253. PAYMENT OF COSTS RELATED TO TESTIMONY. A law
3 enforcement agency or office of the attorney representing the state
4 may pay all costs related to the testimony of a licensed health care
5 professional in a criminal proceeding regarding the results of a
6 forensic medical examination described by Article 56A.251 or the
7 manner in which the examination was performed. (Code Crim. Proc.,
8 Art. 56.06(d).)

9 Art. 56A.254. PAYMENT OF COSTS FOR CERTAIN MEDICAL CARE.
10 The attorney general may make a payment to or on behalf of an
11 individual for the reasonable costs incurred for medical care
12 provided in accordance with Section 323.004, Health and Safety
13 Code. (Code Crim. Proc., Art. 56.06(f).)

14 Art. 56A.255. PAYMENT OF COSTS OF TREATMENT NOT REQUIRED.
15 This subchapter does not require a law enforcement agency to pay any
16 costs of treatment for injuries. (Code Crim. Proc., Art. 56.06(e).)

17 SUBCHAPTER G. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT
18 VICTIM NOT REPORTING ASSAULT

19 Art. 56A.301. DEFINITIONS. In this subchapter:

20 (1) "Crime laboratory" has the meaning assigned by
21 Article 38.35.

22 (2) "Department" means the Department of Public Safety
23 of the State of Texas.

24 (3) "Sexual assault examiner" and "sexual assault
25 nurse examiner" have the meanings assigned by Section 420.003,
26 Government Code. (Code Crim. Proc., Art. 56.065(a).)

27 Art. 56A.302. APPLICABILITY. This subchapter applies to

1 the following health care facilities that provide diagnosis or
2 treatment services to victims of sexual assault:

3 (1) a general or special hospital licensed under
4 Chapter 241, Health and Safety Code;

5 (2) a general or special hospital owned by this state;

6 (3) an outpatient clinic; and

7 (4) a private physician's office. (Code Crim. Proc.,
8 Art. 56.065(b).)

9 Art. 56A.303. FORENSIC MEDICAL EXAMINATION. (a) In
10 accordance with Subchapter B, Chapter 420, Government Code, and
11 except as provided by Subsection (b), a health care facility shall
12 conduct a forensic medical examination of a victim of an alleged
13 sexual assault if:

14 (1) the victim arrives at the facility within 96 hours
15 after the assault occurred;

16 (2) the victim consents to the examination; and

17 (3) at the time of the examination the victim has not
18 reported the assault to a law enforcement agency.

19 (b) If a health care facility does not provide diagnosis or
20 treatment services to victims of sexual assault, the facility shall
21 refer a victim of an alleged sexual assault who seeks a forensic
22 medical examination under Subsection (a) to a health care facility
23 that provides services to those victims.

24 (c) A victim of an alleged sexual assault may not be
25 required to participate in the investigation or prosecution of an
26 offense as a condition of receiving a forensic medical examination
27 under this article. (Code Crim. Proc., Arts. 56.065(c), (e), (h))

1 (part).)

2 Art. 56A.304. PAYMENT OF FEES RELATED TO EXAMINATION. (a)
3 The department shall pay the appropriate fees, as set by attorney
4 general rule, for the forensic portion of a forensic medical
5 examination conducted under Article 56A.303(a) and for the evidence
6 collection kit if a physician, sexual assault examiner, or sexual
7 assault nurse examiner conducts the forensic portion of the
8 examination within 96 hours after the alleged sexual assault
9 occurred.

10 (b) The attorney general shall reimburse the department for
11 fees paid under Subsection (a).

12 (c) A victim of an alleged sexual assault may not be
13 required to pay for:

14 (1) the forensic portion of the forensic medical
15 examination; or

16 (2) the evidence collection kit. (Code Crim. Proc.,
17 Arts. 56.065(d), (h) (part).)

18 Art. 56A.305. PAYMENT OF COSTS FOR CERTAIN MEDICAL CARE.
19 The attorney general may make a payment to or on behalf of an
20 individual for the reasonable costs incurred for medical care
21 provided in accordance with Section 323.004, Health and Safety
22 Code. (Code Crim. Proc., Art. 56.065(k).)

23 Art. 56A.306. PROCEDURES FOR TRANSFER AND PRESERVATION OF
24 EVIDENCE. (a) The department, consistent with Chapter 420,
25 Government Code, shall develop procedures for the transfer and
26 preservation of evidence collected under this subchapter to a crime
27 laboratory or other suitable location designated by the public

1 safety director of the department.

2 (b) An entity receiving the evidence shall preserve the
3 evidence until the earlier of:

4 (1) the second anniversary of the date on which the
5 evidence was collected; or

6 (2) the date on which written consent to release the
7 evidence is obtained as provided by Section 420.0735, Government
8 Code. (Code Crim. Proc., Art. 56.065(g).)

9 Art. 56A.307. PROCEDURES FOR SUBMISSION OR COLLECTION OF
10 ADDITIONAL EVIDENCE. The department, consistent with Chapter 420,
11 Government Code, may develop procedures regarding the submission or
12 collection of additional evidence of an alleged sexual assault
13 other than through a forensic medical examination as described by
14 Article 56A.303(a). (Code Crim. Proc., Art. 56.065(f).)

15 Art. 56A.308. CONFIDENTIALITY OF CERTAIN RECORDS. (a) In
16 this article, "identifying information" includes information that:

17 (1) reveals the identity, personal history, or
18 background of a person; or

19 (2) concerns the victimization of a person.

20 (b) A communication or record is confidential for purposes
21 of Section 552.101, Government Code, if the communication or
22 record:

23 (1) contains identifying information regarding a
24 victim who receives a forensic medical examination under Article
25 56A.303(a); and

26 (2) is created by, provided to, or in the control or
27 possession of the department. (Code Crim. Proc., Art. 56.065(j).)

1 Art. 56A.309. RULES. The attorney general and the
2 department shall each adopt rules as necessary to implement this
3 subchapter. (Code Crim. Proc., Art. 56.065(i).)

4 SUBCHAPTER H. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING
5 FORENSIC MEDICAL EXAMINATION

6 Art. 56A.351. PRESENCE OF SEXUAL ASSAULT PROGRAM ADVOCATE.

7 (a) Before conducting a forensic medical examination of a victim
8 who consents to the examination for the collection of evidence for
9 an alleged sexual assault, the physician or other medical services
10 personnel conducting the examination shall offer the victim the
11 opportunity to have an advocate from a sexual assault program as
12 defined by Section 420.003, Government Code, be present with the
13 victim during the examination, if the advocate is available at the
14 time of the examination. The advocate must have completed a sexual
15 assault training program described by Section 420.011(b),
16 Government Code.

17 (b) An advocate may only provide the victim with:

18 (1) counseling and other support services; and

19 (2) information regarding the rights of crime victims
20 under Subchapter B.

21 (c) Notwithstanding Subsection (a), an advocate and a
22 sexual assault program providing the advocate may not delay or
23 otherwise impede the screening or stabilization of an emergency
24 medical condition.

25 (d) A sexual assault program providing an advocate shall pay
26 all costs associated with providing the advocate.

27 (e) Any individual or entity, including a health care

1 facility, that provides an advocate with access under Subsection
2 (a) to a victim consenting to a forensic medical examination is not
3 subject to civil or criminal liability for providing that access.
4 In this article, "health care facility" includes a hospital
5 licensed under Chapter 241, Health and Safety Code. (Code Crim.
6 Proc., Arts. 56.045(a), (b), (c), (d), (e).)

7 Art. 56A.352. REPRESENTATIVE PROVIDED BY PENAL
8 INSTITUTION. (a) In this article, "penal institution" has the
9 meaning assigned by Section 1.07, Penal Code.

10 (b) If a victim alleging to have sustained injuries as the
11 victim of a sexual assault was confined in a penal institution at
12 the time of the alleged assault, the penal institution shall
13 provide, at the victim's request, a representative to be present
14 with the victim at any forensic medical examination conducted for
15 the purpose of collecting and preserving evidence related to the
16 investigation or prosecution of the alleged assault. The
17 representative must:

- 18 (1) be approved by the penal institution; and
19 (2) be a:
20 (A) psychologist;
21 (B) sociologist;
22 (C) chaplain;
23 (D) social worker;
24 (E) case manager; or
25 (F) volunteer who has completed a sexual assault
26 training program described by Section 420.011(b), Government Code.

27 (c) A representative may only provide the victim with:

- 1 (1) counseling and other support services; and
2 (2) information regarding the rights of crime victims
3 under Subchapter B.

4 (d) A representative may not delay or otherwise impede the
5 screening or stabilization of an emergency medical condition.
6 (Code Crim. Proc., Art. 56.045(f).)

7 SUBCHAPTER I. REQUIRED NOTIFICATIONS BY LAW ENFORCEMENT AGENCY

8 Art. 56A.401. NOTIFICATION OF RIGHTS. At the initial
9 contact or at the earliest possible time after the initial contact
10 between a victim of a reported offense and the law enforcement
11 agency having the responsibility for investigating the offense, the
12 agency shall provide the victim a written notice containing:

13 (1) information about the availability of emergency
14 and medical services, if applicable;

15 (2) information about the rights of crime victims
16 under Subchapter B;

17 (3) notice that the victim has the right to receive
18 information regarding compensation to victims of crime as provided
19 by Chapter 56B, including information about:

20 (A) the costs that may be compensated under that
21 chapter and the amount of compensation, eligibility for
22 compensation, and procedures for application for compensation
23 under that chapter;

24 (B) the payment for a forensic medical
25 examination under Article 56A.252 for a victim of an alleged sexual
26 assault; and

27 (C) referral to available social service

1 agencies that may offer additional assistance;

2 (4) the name, address, and phone number of the law
3 enforcement agency's crime victim liaison;

4 (5) the name, address, and phone number of the victim
5 assistance coordinator of the office of the attorney representing
6 the state; and

7 (6) the following statement:

8 "You may call the law enforcement agency's telephone number
9 for the status of the case and information about victims' rights."
10 (Code Crim. Proc., Art. 56.07(a).)

11 Art. 56A.402. REFERRAL TO SEXUAL ASSAULT PROGRAM. (a) At
12 the time a law enforcement agency provides notice under Article
13 56A.401, the agency shall provide, if the agency possesses the
14 relevant information:

15 (1) a referral to a sexual assault program as defined
16 by Section 420.003, Government Code; and

17 (2) a written description of the services provided by
18 the program.

19 (b) A sexual assault program may provide a written
20 description of the program's services to a law enforcement agency.
21 (Code Crim. Proc., Art. 56.07(b).)

22 SUBCHAPTER J. REQUIRED NOTIFICATIONS BY ATTORNEY REPRESENTING THE
23 STATE

24 Art. 56A.451. NOTIFICATION OF RIGHTS. (a) Not later than
25 the 10th day after the date that an indictment or information is
26 returned against a defendant for an offense, the attorney
27 representing the state shall give to each victim of the offense a

1 written notice containing:

2 (1) the case number and assigned court for the case;

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

6 (3) suggested steps the victim may take if the victim
7 is subjected to threats or intimidation;

8 (4) the name, address, and phone number of the local
9 victim assistance coordinator; and

10 (5) notification of:

11 (A) the rights and procedures under this chapter,
12 Chapter 56B, and Subchapter B, Chapter 58;

13 (B) the right to file a victim impact statement
14 with the office of the attorney representing the state and the
15 department;

16 (C) the right to receive information regarding
17 compensation to victims of crime as provided by Chapter 56B,
18 including information about:

19 (i) the costs that may be compensated under
20 that chapter, eligibility for compensation, and procedures for
21 application for compensation under that chapter;

22 (ii) the payment for a forensic medical
23 examination under Article 56A.252 for a victim of an alleged sexual
24 assault; and

25 (iii) referral to available social service
26 agencies that may offer additional assistance; and

27 (D) the right of a victim, guardian of a victim,

1 or close relative of a deceased victim, as defined by Section
2 508.117, Government Code, to appear in person before a member of the
3 board as provided by Section 508.153, Government Code.

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

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

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

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

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

17 (C) whether the attorney representing the state
18 has given the victim, guardian of a victim, or close relative of a
19 deceased victim notice of the existence and terms of the plea
20 bargain agreement. (Code Crim. Proc., Arts. 56.08(a), (e).)

21 Art. 56A.452. NOTIFICATION OF SCHEDULED COURT PROCEEDINGS.
22 If requested by the victim, the attorney representing the state, as
23 far as reasonably practical, shall give the victim notice of:

24 (1) any scheduled court proceedings and changes in
25 that schedule; and

26 (2) the filing of a request for continuance of a trial
27 setting. (Code Crim. Proc., Art. 56.08(b).)

1 Art. 56A.453. NOTIFICATION OF PLEA BARGAIN AGREEMENT. The
2 attorney representing the state, as far as reasonably practical,
3 shall give a victim, guardian of a victim, or close relative of a
4 deceased victim notice of the existence and terms of any plea
5 bargain agreement to be presented to the court. (Code Crim. Proc.,
6 Art. 56.08(b-1).)

7 Art. 56A.454. VICTIM CONTACT INFORMATION. (a) A victim who
8 receives a notice under Article 56A.451(a) and who chooses to
9 receive other notice under law about the same case must keep the
10 following persons informed of the victim's current address and
11 phone number:

- 12 (1) the attorney representing the state; and
- 13 (2) the department if the defendant is imprisoned in
14 the department after sentencing.

15 (b) An attorney representing the state who receives
16 information concerning a victim's current address and phone number
17 shall immediately provide that information to the community
18 supervision and corrections department supervising the defendant,
19 if the defendant is placed on community supervision. (Code Crim.
20 Proc., Arts. 56.08(c), (d).)

21 SUBCHAPTER K. NOTIFICATION BY CERTAIN ENTITIES OF RELEASE OR
22 ESCAPE

23 Art. 56A.501. DEFINITIONS. In this subchapter:

- 24 (1) "Correctional facility" has the meaning assigned
25 by Section 1.07, Penal Code.
- 26 (2) "Family violence" has the meaning assigned by
27 Section 71.004, Family Code. (Code Crim. Proc., Art. 56.11(h).)

1 Art. 56A.502. APPLICABILITY. This subchapter applies to a
2 defendant convicted of:

3 (1) an offense under Title 5, Penal Code, that is
4 punishable as a felony;

5 (2) an offense described by Section 508.187(a),
6 Government Code, other than an offense described by Subdivision
7 (1); or

8 (3) an offense involving family violence, stalking, or
9 violation of a protective order or magistrate's order. (Code Crim.
10 Proc., Art. 56.11(c).)

11 Art. 56A.503. NOTIFICATION OF RELEASE OR ESCAPE. (a) The
12 department or sheriff, whichever has custody of a defendant in the
13 case of a felony, or the sheriff in the case of a misdemeanor, shall
14 notify a victim of the offense or a witness who testified against
15 the defendant at the trial for the offense, other than a witness who
16 testified in the course and scope of the witness's official or
17 professional duties, when a defendant convicted of an offense
18 described by Article 56A.502:

19 (1) completes the defendant's sentence and is
20 released; or

21 (2) escapes from a correctional facility.

22 (b) If the department is required by Subsection (a) to give
23 notice to a victim or witness, the department shall also give notice
24 to local law enforcement officials in the county in which the victim
25 or witness resides. (Code Crim. Proc., Arts. 56.11(a), (b).)

26 Art. 56A.504. NOTIFICATION REGARDING DEFENDANT SUBJECT TO
27 ELECTRONIC MONITORING. The department, in the case of a defendant

1 released on parole or to mandatory supervision following a term of
2 imprisonment for an offense described by Article 56A.502, or a
3 community supervision and corrections department supervising a
4 defendant convicted of an offense described by Article 56A.502 and
5 subsequently released on community supervision, shall notify a
6 victim or witness described by Article 56A.503(a) when the
7 defendant, if subject to electronic monitoring as a condition of
8 release, ceases to be electronically monitored. (Code Crim. Proc.,
9 Art. 56.11(a-1).)

10 Art. 56A.505. NOTIFICATION OF RIGHT TO NOTICE. Not later
11 than immediately following the conviction of a defendant for an
12 offense described by Article 56A.502, the attorney who represented
13 the state in the prosecution of the case shall notify in writing a
14 victim or witness described by Article 56A.503(a) of the victim's
15 or witness's right to receive notice under this subchapter. (Code
16 Crim. Proc., Art. 56.11(g).)

17 Art. 56A.506. VICTIM OR WITNESS CONTACT INFORMATION;
18 CONFIDENTIALITY. (a) A victim or witness who wants notification
19 under this subchapter must:

20 (1) provide the department, the sheriff, or the
21 community supervision and corrections department supervising the
22 defendant, as appropriate, with the e-mail address, mailing
23 address, and telephone number of the victim, witness, or other
24 person through whom the victim or witness may be contacted; and

25 (2) notify the appropriate department or the sheriff
26 of any change of address or telephone number of the victim, witness,
27 or other person.

1 (b) Information obtained and maintained by the department,
2 a sheriff, or a community supervision and corrections department
3 under this article is privileged and confidential. (Code Crim.
4 Proc., Art. 56.11(d).)

5 Art. 56A.507. TIME FOR NOTICE. (a) The department, the
6 sheriff, or the community supervision and corrections department
7 supervising the defendant, as appropriate:

8 (1) shall make a reasonable attempt to give any notice
9 required by Article 56A.503(a) or 56A.504:

10 (A) not later than the 30th day before the date
11 the defendant:

12 (i) completes the sentence and is released;

13 or

14 (ii) ceases to be electronically monitored
15 as a condition of release; or

16 (B) immediately if the defendant escapes from the
17 correctional facility; and

18 (2) may give the notice by e-mail, if possible.

19 (b) An attempt by the department, the sheriff, or the
20 community supervision and corrections department supervising the
21 defendant to give notice to a victim or witness at the victim's or
22 witness's last known mailing address or, if notice by e-mail is
23 possible, last known e-mail address, as shown on the records of the
24 appropriate department or agency, constitutes a reasonable attempt
25 to give notice under this subchapter. (Code Crim. Proc., Arts.
26 56.11(e), (f).)

1 SUBCHAPTER L. NOTIFICATION BY DEPARTMENT OF ESCAPE OR TRANSFER

2 Art. 56A.551. DEFINITION. In this subchapter, "witness's
3 close relative" means a person who:

4 (1) was the spouse of a deceased witness at the time of
5 the witness's death; or

6 (2) is a parent or adult brother, sister, or child of a
7 deceased witness. (Code Crim. Proc., Art. 56.12(d).)

8 Art. 56A.552. NOTIFICATION OF VICTIM. The department shall
9 immediately notify the victim of an offense, the victim's guardian,
10 or the victim's close relative if the victim is deceased, if the
11 victim, victim's guardian, or victim's close relative has notified
12 the department as provided by Article 56A.554, when the defendant:

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

16 (2) is transferred from the custody of a facility
17 described by Subdivision (1) to the custody of a peace officer under
18 a writ of attachment or a bench warrant. (Code Crim. Proc., Art.
19 56.12(a).)

20 Art. 56A.553. NOTIFICATION OF WITNESS. The department
21 shall immediately notify a witness who testified against a
22 defendant at the trial for the offense for which the defendant is
23 imprisoned, the witness's guardian, or the witness's close
24 relative, if the witness, witness's guardian, or witness's close
25 relative has notified the department as provided by Article
26 56A.554, when the defendant:

27 (1) escapes from a facility operated by the department

1 for the imprisonment of individuals convicted of felonies other
2 than state jail felonies; or

3 (2) is transferred from the custody of a facility
4 described by Subdivision (1) to the custody of a peace officer under
5 a writ of attachment or a bench warrant. (Code Crim. Proc., Art.
6 56.12(a-1).)

7 Art. 56A.554. REQUEST FOR NOTIFICATION; CHANGE OF ADDRESS.
8 A victim, witness, guardian, or close relative who wants
9 notification of a defendant's escape or transfer from custody under
10 a writ of attachment or bench warrant must notify the department of
11 that fact and of any change of address. (Code Crim. Proc., Art.
12 56.12(b).)

13 Art. 56A.555. NOTICE OF TRANSFER FROM OR RETURN TO CUSTODY.
14 The department shall include in a notice provided under Article
15 56A.552(2) or 56A.553(2) the name, address, and telephone number of
16 the peace officer receiving the defendant into custody. On
17 returning the defendant to the custody of the department, the
18 victim services division of the department shall notify the victim,
19 witness, guardian, or close relative, as applicable, of the return.
20 (Code Crim. Proc., Art. 56.12(c).)

21 SUBCHAPTER M. OTHER POWERS AND DUTIES OF DEPARTMENT AND
22 CLEARINGHOUSE

23 Art. 56A.601. DATABASE FOR DEFENDANT RELEASE INFORMATION.
24 The department shall:

25 (1) create and maintain a computerized database
26 containing the release information and release date of a defendant
27 convicted of an offense described by Article 56A.502; and

1 (2) allow a victim or witness entitled to notice under
2 Subchapter K or L to access through the Internet the computerized
3 database maintained under Subdivision (1). (Code Crim. Proc., Art.
4 56.15.)

5 Art. 56A.602. VICTIM-OFFENDER MEDIATION. The victim
6 services division of the department shall:

7 (1) train volunteers to act as mediators between
8 victims, guardians of victims, and close relatives of deceased
9 victims and offenders whose criminal conduct caused bodily injury
10 or death to victims; and

11 (2) provide mediation services through referral of a
12 trained volunteer, if requested by a victim, guardian of a victim,
13 or close relative of a deceased victim. (Code Crim. Proc., Art.
14 56.13.)

15 Art. 56A.603. CLEARINGHOUSE ANNUAL CONFERENCE. The
16 clearinghouse may:

17 (1) conduct an annual conference to provide to
18 participants in the criminal justice system training containing
19 information on crime victims' rights; and

20 (2) charge a fee to a person attending the conference
21 described by Subdivision (1). (Code Crim. Proc., Art. 56.14.)

22 Art. 56A.604. CRIME VICTIM ASSISTANCE STANDARDS. The
23 clearinghouse shall develop crime victim assistance standards and
24 distribute those standards to law enforcement officers and
25 attorneys representing the state to aid those officers and
26 attorneys in performing duties imposed by this chapter, Chapter
27 56B, and Subchapter B, Chapter 58. (Code Crim. Proc., Art.

1 56.05(c).)

2 SECTION 1.06. Title 1, Code of Criminal Procedure, is
3 amended by adding Chapter 56B to read as follows:

4 CHAPTER 56B. CRIME VICTIMS' COMPENSATION

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Art. 56B.001. SHORT TITLE

7 Art. 56B.002. LEGISLATIVE FINDINGS AND INTENT

8 Art. 56B.003. DEFINITIONS

9 Art. 56B.004. ADMINISTRATION; RULES

10 Art. 56B.005. ANNUAL REPORT

11 Art. 56B.006. PUBLIC NOTICE

12 Art. 56B.007. NOTICE BY LOCAL LAW ENFORCEMENT AGENCY

13 SUBCHAPTER B. APPLICATION AND REVIEW

14 Art. 56B.051. APPLICATION FOR COMPENSATION

15 Art. 56B.052. PERIOD FOR FILING APPLICATION

16 Art. 56B.053. REPORTING OF OFFENSE REQUIRED

17 Art. 56B.054. REVIEW AND INVESTIGATION OF APPLICATION

18 Art. 56B.055. MENTAL OR PHYSICAL EXAMINATION; AUTOPSY

19 Art. 56B.056. HEARINGS AND PREHEARING CONFERENCES

20 Art. 56B.057. APPROVAL OF APPLICATION

21 Art. 56B.058. DISCLOSURE AND USE OF INFORMATION

22 SUBCHAPTER C. AWARD OF COMPENSATION

23 Art. 56B.101. TYPES OF ASSISTANCE

24 Art. 56B.102. EMERGENCY AWARD

25 Art. 56B.103. COMPENSATION FOR PECUNIARY LOSS

26 Art. 56B.104. COMPENSATION FOR HEALTH CARE SERVICES

- 1 Art. 56B.105. COMPENSATION FOR CERTAIN CRIMINALLY
2 INJURIOUS CONDUCT PROHIBITED
- 3 Art. 56B.106. LIMITS ON COMPENSATION
- 4 Art. 56B.107. DENIAL OR REDUCTION OF AWARD
- 5 Art. 56B.108. RECONSIDERATION
- 6 SUBCHAPTER D. PAYMENT OF AWARD
- 7 Art. 56B.151. METHOD OF PAYMENT
- 8 Art. 56B.152. PAYMENT FOR PECUNIARY LOSS ACCRUED AT
9 TIME OF AWARD
- 10 Art. 56B.153. PAYMENT FOR PECUNIARY LOSS ACCRUED AFTER
11 TIME OF AWARD
- 12 Art. 56B.154. RECIPIENT OF PAYMENT
- 13 SUBCHAPTER E. GENERAL PROVISIONS RELATING TO PAYMENT
- 14 Art. 56B.201. ADJUSTMENT OF AWARDS AND PAYMENTS
- 15 Art. 56B.202. SUBROGATION
- 16 Art. 56B.203. AWARD NOT SUBJECT TO EXECUTION
- 17 Art. 56B.204. ASSIGNMENT OF BENEFITS FOR LOSS ACCRUING
18 IN FUTURE
- 19 SUBCHAPTER F. PAYMENTS FOR CERTAIN DISABLED PEACE OFFICERS
- 20 Art. 56B.251. DEFINITION
- 21 Art. 56B.252. APPLICABILITY
- 22 Art. 56B.253. PAYMENT ENTITLEMENT
- 23 Art. 56B.254. AMOUNT OF PAYMENT
- 24 Art. 56B.255. METHOD OF PAYMENT
- 25 Art. 56B.256. COST-OF-LIVING ADJUSTMENT
- 26 Art. 56B.257. CALCULATION OF INITIAL PAYMENT
- 27 Art. 56B.258. PROOF REQUIRED FOR PAYMENT

- 1 Art. 56B.259. HEARING
- 2 Art. 56B.260. JUDICIAL REVIEW
- 3 Art. 56B.261. PERIODIC REVIEW
- 4 Art. 56B.262. ISSUANCE OF WARRANT FOR PAYMENT
- 5 Art. 56B.263. LIMITS ON COMPENSATION
- 6 Art. 56B.264. APPLICATION OF OTHER LAW
- 7 SUBCHAPTER G. ATTORNEY'S FEES
- 8 Art. 56B.301. AWARD OF ATTORNEY'S FEES
- 9 Art. 56B.302. AMOUNT OF ATTORNEY'S FEES
- 10 SUBCHAPTER H. JUDICIAL REVIEW
- 11 Art. 56B.351. NOTICE OF DISSATISFACTION
- 12 Art. 56B.352. SUIT; VENUE
- 13 Art. 56B.353. RESTRICTIONS ON ATTORNEY GENERAL DURING
- 14 JUDICIAL REVIEW
- 15 Art. 56B.354. STANDARD OF REVIEW
- 16 Art. 56B.355. BURDEN OF PROOF
- 17 Art. 56B.356. ATTORNEY'S FEES
- 18 Art. 56B.357. CALCULATION OF TIME
- 19 SUBCHAPTER I. PRIVATE ACTION
- 20 Art. 56B.401. NOTICE OF PROPOSED PRIVATE ACTION
- 21 Art. 56B.402. RECEIPT OF NOTICE
- 22 Art. 56B.403. DEDUCTION FOR REASONABLE EXPENSES
- 23 Art. 56B.404. LIMITATIONS ON RESOLUTION OF ACTION
- 24 Art. 56B.405. CRIMINAL PENALTY
- 25 SUBCHAPTER J. FUNDS
- 26 Art. 56B.451. DEFINITION
- 27 Art. 56B.452. ESTABLISHMENT

- 1 Art. 56B.453. USE OF MONEY
2 Art. 56B.454. LIMITATIONS ON PAYMENTS
3 Art. 56B.455. AMOUNT CARRIED FORWARD
4 Art. 56B.456. TRANSFER OF MONEY FROM AUXILIARY FUND
5 Art. 56B.457. GIFTS, GRANTS, AND DONATIONS
6 Art. 56B.458. EMERGENCY RESERVE
7 Art. 56B.459. APPROPRIATION FOR ASSOCIATE JUDGE
8 PROGRAM
9 Art. 56B.460. APPROPRIATION FOR OTHER CRIME VICTIM
10 ASSISTANCE
11 Art. 56B.461. USE OF AUXILIARY FUND
12 Art. 56B.462. PAYERS OF LAST RESORT
13 SUBCHAPTER K. ADMINISTRATIVE PENALTY
14 Art. 56B.501. CONDUCT SUBJECT TO PENALTY; AMOUNT OF
15 PENALTY
16 Art. 56B.502. REPORT AND NOTICE OF VIOLATION AND
17 PENALTY
18 Art. 56B.503. PENALTY TO BE PAID OR HEARING REQUESTED
19 Art. 56B.504. HEARING
20 Art. 56B.505. DECISION BY ATTORNEY GENERAL
21 Art. 56B.506. OPTIONS FOLLOWING DECISION: PAY OR
22 APPEAL
23 Art. 56B.507. COLLECTION OF PENALTY
24 Art. 56B.508. DECISION BY COURT
25 Art. 56B.509. REMITTANCE OF PENALTY AND INTEREST
26 Art. 56B.510. RELEASE OF BOND
27 Art. 56B.511. DISPOSITION OF PENALTY

1 Art. 56B.512. RECOVERY OF EXPENSES

2 Art. 56B.513. ADMINISTRATIVE PROCEDURE

3 SUBCHAPTER L. OTHER PENALTIES AND SANCTIONS

4 Art. 56B.551. LETTER OF REPRIMAND

5 Art. 56B.552. CIVIL PENALTY

6 CHAPTER 56B. CRIME VICTIMS' COMPENSATION

7 SUBCHAPTER A. GENERAL PROVISIONS

8 Art. 56B.001. SHORT TITLE. This chapter may be cited as the
9 Crime Victims' Compensation Act. (Code Crim. Proc., Art. 56.31.)

10 Art. 56B.002. LEGISLATIVE FINDINGS AND INTENT. (a) The
11 legislature recognizes that many innocent individuals suffer
12 personal injury or death as a result of criminal acts. Crime victims
13 and persons who intervene to prevent criminal acts often suffer
14 disabilities, incur financial burdens, or become dependent on
15 public assistance. The legislature finds that there is a need to
16 compensate crime victims and those who suffer personal injury or
17 death in the prevention of crime or in the apprehension of
18 criminals.

19 (b) It is the legislature's intent that the compensation of
20 innocent victims of violent crime encourage greater public
21 cooperation in the successful apprehension and prosecution of
22 criminals. (Code Crim. Proc., Art. 56.311.)

23 Art. 56B.003. DEFINITIONS. In this chapter:

24 (1) "Child" means an individual younger than 18 years
25 of age who:

26 (A) is not married; or

27 (B) has not had the disabilities of minority

1 removed for general purposes under Chapter 31, Family Code.

2 (2) "Claimant" means any of the following individuals,
3 other than a service provider, who is entitled to file or has filed
4 a claim for compensation under this chapter:

5 (A) an authorized individual acting on behalf of
6 a victim;

7 (B) an individual who legally assumes the
8 obligation or who voluntarily pays medical or burial expenses of a
9 victim incurred as a result of the criminally injurious conduct of
10 another;

11 (C) a dependent of a victim who died as a result
12 of the criminally injurious conduct;

13 (D) an immediate family member or a household
14 member of a victim who, as a result of the criminally injurious
15 conduct:

16 (i) requires psychiatric care or
17 counseling;

18 (ii) incurs expenses for traveling to and
19 attending a deceased victim's funeral; or

20 (iii) suffers wage loss from bereavement
21 leave taken in connection with the death of the victim; or

22 (E) an authorized individual acting on behalf of
23 a child described by Paragraph (C) or (D).

24 (3) "Collateral source" means any of the following
25 sources of benefits or advantages for pecuniary loss that a
26 claimant or victim has received or that is readily available to the
27 claimant or victim from:

1 (A) the offender under an order of restitution to
2 the claimant or victim that is imposed by a court as a condition of
3 community supervision;

4 (B) the United States, a federal agency, a state
5 or any of its political subdivisions, or an instrumentality of two
6 or more states, unless the law providing for the benefits or
7 advantages makes those benefits or advantages in addition to or
8 secondary to benefits under this chapter;

9 (C) social security, Medicare, or Medicaid;

10 (D) another state's or another country's crime
11 victims' compensation program;

12 (E) workers' compensation;

13 (F) an employer's wage continuation program, not
14 including vacation and sick leave benefits;

15 (G) proceeds of an insurance contract payable to
16 or on behalf of the claimant or victim for loss that the claimant or
17 victim sustained because of the criminally injurious conduct;

18 (H) a contract or self-funded program providing
19 hospital and other health care services or benefits; or

20 (I) proceeds awarded to the claimant or victim as
21 a result of third-party litigation.

22 (4) "Criminally injurious conduct" means conduct
23 that:

24 (A) occurs or is attempted;

25 (B) poses a substantial threat of personal injury
26 or death;

27 (C) is punishable by fine, imprisonment, or

1 death, or would be punishable by fine, imprisonment, or death if the
2 person engaging in the conduct possessed the capacity to commit the
3 conduct; and

4 (D) does not arise out of the ownership,
5 maintenance, or use of a motor vehicle, aircraft, or water vehicle,
6 unless the conduct is:

7 (i) intended to cause personal injury or
8 death;

9 (ii) in violation of Section 545.157 or
10 545.401, Transportation Code, if the conduct results in bodily
11 injury or death;

12 (iii) in violation of Section 550.021,
13 Transportation Code; or

14 (iv) in violation of one or more of the
15 following sections of the Penal Code:

16 (a) Section 19.04 (manslaughter);

17 (b) Section 19.05 (criminally
18 negligent homicide);

19 (c) Section 22.02 (aggravated
20 assault);

21 (d) Section 22.05 (deadly conduct);

22 (e) Section 49.04 (driving while
23 intoxicated);

24 (f) Section 49.05 (flying while
25 intoxicated);

26 (g) Section 49.06 (boating while
27 intoxicated);

1 (h) Section 49.07 (intoxication
2 assault); or
3 (i) Section 49.08 (intoxication
4 manslaughter).

5 (5) "Dependent" means:

6 (A) a surviving spouse;

7 (B) a person who is a dependent, within the
8 meaning of the Internal Revenue Code of 1986, of a victim; and

9 (C) a posthumous child of a deceased victim.

10 (6) "Family violence" has the meaning assigned by
11 Section 71.004(1), Family Code.

12 (7) "Household member" means an individual who:

13 (A) is related by consanguinity or affinity to
14 the victim; and

15 (B) resided in the same permanent household as
16 the victim at the time that the criminally injurious conduct
17 occurred.

18 (8) "Immediate family member" means an individual who
19 is related to a victim within the second degree by consanguinity or
20 affinity.

21 (9) "Intervenor" means an individual who goes to the
22 aid of another and is killed or injured in a good faith effort to:

23 (A) prevent criminally injurious conduct;

24 (B) apprehend a person reasonably suspected of
25 having engaged in criminally injurious conduct; or

26 (C) aid a peace officer.

27 (10) "Pecuniary loss" means the amount of the expense

1 reasonably and necessarily incurred as a result of personal injury
2 or death for:

3 (A) medical, hospital, nursing, or psychiatric
4 care or counseling, or physical therapy;

5 (B) actual loss of past earnings and anticipated
6 loss of future earnings and necessary travel expenses because of:

7 (i) a disability resulting from the
8 personal injury;

9 (ii) the receipt of medically indicated
10 services related to the disability; or

11 (iii) participation in or attendance at
12 investigative, prosecutorial, or judicial processes or any
13 postconviction or postadjudication proceeding relating to
14 criminally injurious conduct;

15 (C) care of a child or dependent, including
16 specialized care for a child who is a victim;

17 (D) funeral and burial expenses, including, for
18 an immediate family member or a household member of the victim, the
19 necessary expenses of traveling to and attending the funeral;

20 (E) loss of support to a dependent, consistent
21 with Article 56B.057(b)(5);

22 (F) reasonable and necessary costs of cleaning
23 the crime scene;

24 (G) reasonable replacement costs for clothing,
25 bedding, or property of the victim seized as evidence or rendered
26 unusable as a result of the criminal investigation;

27 (H) reasonable and necessary costs for

1 relocation and housing rental assistance payments as provided by
2 Article 56B.106(c);

3 (I) for an immediate family member or a household
4 member of a deceased victim, bereavement leave of not more than 10
5 work days; and

6 (J) reasonable and necessary costs of traveling
7 to and from a place of execution to witness the execution, including
8 one night's lodging near the place where the execution is
9 conducted.

10 (11) "Personal injury" means physical or mental harm.

11 (12) "Sexual assault" means an offense under Section
12 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code.

13 (13) "Trafficking of persons" means any offense that
14 results in a person engaging in forced labor or services, including
15 sexual conduct, and that may be prosecuted under Section 20A.02,
16 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code.

17 (14) "Victim" means:

18 (A) an individual who:

19 (i) suffers personal injury or death as a
20 result of criminally injurious conduct or as a result of actions
21 taken by the individual as an intervenor, if the conduct or actions
22 occurred in this state; and

23 (ii) is a resident of this state or another
24 state of the United States;

25 (B) an individual who:

26 (i) suffers personal injury or death as a
27 result of criminally injurious conduct or as a result of actions

1 taken by the individual as an intervenor, if the conduct or actions
2 occurred in a state or country that does not have a crime victims'
3 compensation program that meets the requirements of Section
4 1403(b), Victims of Crime Act of 1984 (34 U.S.C. Section 20102(b));

5 (ii) is a resident of this state; and

6 (iii) would be entitled to compensation
7 under this chapter if the criminally injurious conduct or actions
8 had occurred in this state; or

9 (C) an individual who:

10 (i) suffers personal injury or death as a
11 result of criminally injurious conduct caused by an act of
12 international terrorism as defined by 18 U.S.C. Section 2331
13 committed outside of the United States; and

14 (ii) is a resident of this state.

15 (15) "Victim-related services or assistance" means
16 compensation, services, or assistance provided directly to a victim
17 or claimant to support or assist in the recovery of the victim or
18 claimant from the consequences of criminally injurious conduct.
19 (Code Crim. Proc., Arts. 56.01(2-a), 56.32.)

20 Art. 56B.004. ADMINISTRATION; RULES. (a) The attorney
21 general shall adopt rules consistent with this chapter governing
22 its administration, including rules relating to the method of
23 filing claims and the proof of entitlement to compensation and the
24 review of health care services subject to compensation under this
25 chapter, Chapter 56A, and Subchapter B, Chapter 58.

26 (b) Subchapters A and B, Chapter 2001, Government Code,
27 except Sections 2001.004(3) and 2001.005, apply to the attorney

1 general.

2 (c) The attorney general may delegate to a person in the
3 attorney general's office a power or duty given to the attorney
4 general under this chapter. (Code Crim. Proc., Art. 56.33.)

5 Art. 56B.005. ANNUAL REPORT. Not later than the 100th day
6 after the end of each state fiscal year, the attorney general shall
7 submit to the governor and the legislature a report on the attorney
8 general's activities during the preceding fiscal year, including a
9 statistical summary of claims and awards made and denied. (Code
10 Crim. Proc., Art. 56.53.)

11 Art. 56B.006. PUBLIC NOTICE. (a) A hospital licensed under
12 the laws of this state shall display prominently in its emergency
13 room posters giving notice of the existence and general provisions
14 of this chapter.

15 (b) The attorney general shall:

16 (1) set standards for the location of the posters
17 described by Subsection (a); and

18 (2) provide posters, application forms, and general
19 information regarding this chapter to each hospital and physician
20 licensed to practice in this state. (Code Crim. Proc., Art.
21 56.60(a).)

22 Art. 56B.007. NOTICE BY LOCAL LAW ENFORCEMENT AGENCY. (a)
23 Each local law enforcement agency shall inform a claimant or victim
24 of the provisions of this chapter and make application forms
25 available.

26 (b) The attorney general:

27 (1) shall:

1 (A) provide application forms and all other
2 documents that a local law enforcement agency may require to comply
3 with this article; and

4 (B) set standards to be followed by a local law
5 enforcement agency to comply with this article; and

6 (2) may require a local law enforcement agency to file
7 with the attorney general a description of the procedures adopted
8 by the agency to comply with this article. (Code Crim. Proc., Art.
9 56.60(b).)

10 SUBCHAPTER B. APPLICATION AND REVIEW

11 Art. 56B.051. APPLICATION FOR COMPENSATION. (a) An
12 applicant for compensation under this chapter must apply in writing
13 on a form prescribed by the attorney general.

14 (b) An application for compensation under this chapter must
15 be verified and contain:

16 (1) the date on which the criminally injurious conduct
17 occurred;

18 (2) a description of the nature and circumstances of
19 the criminally injurious conduct;

20 (3) a complete financial statement, including:

21 (A) the cost of medical care or burial expenses
22 and the loss of wages or support the claimant or victim has incurred
23 or will incur; and

24 (B) the extent to which the claimant or victim
25 has been indemnified for the expenses under Paragraph (A) from a
26 collateral source;

27 (4) a statement indicating the extent of any

1 disability resulting from the injury incurred;

2 (5) an authorization permitting the attorney general
3 to verify the contents of the application; and

4 (6) any other information the attorney general
5 requires. (Code Crim. Proc., Art. 56.36.)

6 Art. 56B.052. PERIOD FOR FILING APPLICATION. (a) Except as
7 otherwise provided by this article, a claimant or victim must file
8 an application not later than the third anniversary of the date of
9 the criminally injurious conduct.

10 (b) The attorney general may extend the time for filing for
11 good cause shown by the claimant or victim.

12 (c) If the victim is a child, the application must be filed
13 not later than the third anniversary of the date the claimant or
14 victim is made aware of the offense, but not after the child attains
15 21 years of age.

16 (d) If a claimant or victim presents medically documented
17 evidence of a physical or mental incapacity that was incurred by the
18 claimant or victim as a result of the criminally injurious conduct
19 and that reasonably prevented the claimant or victim from filing
20 the application within the limitations period under Subsection (a),
21 the period of the incapacity is not included.

22 (e) For a claim that is based on criminally injurious
23 conduct in violation of Chapter 19, Penal Code, the claimant must
24 file an application not later than the third anniversary of the date
25 the identity of the victim is established by a law enforcement
26 agency. (Code Crim. Proc., Art. 56.37.)

27 Art. 56B.053. REPORTING OF OFFENSE REQUIRED. (a) Except as

1 otherwise provided by this article, a claimant or victim may not
2 file an application unless the victim reports the criminally
3 injurious conduct to the appropriate state or local public safety
4 or law enforcement agency within a reasonable period, but not so
5 late as to interfere with or hamper the investigation and
6 prosecution of the offense after the criminally injurious conduct
7 is committed.

8 (b) The attorney general may extend the time for reporting
9 the criminally injurious conduct if the attorney general determines
10 that the extension is justified by extraordinary circumstances.

11 (c) Subsection (a) does not apply if the victim is a child.
12 (Code Crim. Proc., Art. 56.46.)

13 Art. 56B.054. REVIEW AND INVESTIGATION OF APPLICATION. (a)
14 The attorney general shall appoint a clerk to review each
15 application for compensation described by Article 56B.051 to ensure
16 the application is complete.

17 (b) The attorney general may review the actual or proposed
18 health care services for which a claimant or victim seeks
19 compensation in an application filed under Article 56B.051.

20 (c) The clerk shall return to the claimant or victim any
21 application that is incomplete and shall provide a brief statement
22 showing the additional information required. Not later than the
23 30th day after the date of receiving a returned application, a
24 claimant or victim may:

25 (1) provide the additional information; or

26 (2) appeal the action to the attorney general, who
27 shall review the application to determine whether the application

1 is complete.

2 (d) The attorney general may investigate an application.

3 (e) As part of the attorney general's review, verification,
4 and hearing duties under this chapter, the attorney general may:

5 (1) subpoena witnesses and administer oaths to
6 determine whether and the extent to which a claimant or victim
7 qualifies for an award; and

8 (2) as provided by Article 56B.055 and if the mental,
9 physical, or emotional condition of a claimant or victim is
10 material to the claim, order:

11 (A) a claimant or victim to submit to a mental or
12 physical examination by a physician or psychologist; or

13 (B) an autopsy of a deceased victim.

14 (f) On request by the attorney general and not later than
15 the 14th business day after the date of the request, a law
16 enforcement agency shall release to the attorney general all
17 reports, including witness statements and criminal history record
18 information, to allow the attorney general to determine whether a
19 claimant or victim qualifies for an award and the extent of the
20 qualification. (Code Crim. Proc., Arts. 56.38, 56.385(a).)

21 Art. 56B.055. MENTAL OR PHYSICAL EXAMINATION; AUTOPSY. (a)
22 For good cause shown, an order for a mental or physical examination
23 or an autopsy as provided by Article 56B.054(e)(2) may be made on
24 notice to the individual to be examined and, if applicable, to each
25 person who has appeared at a hearing under Article 56B.056.

26 (b) An order under Subsection (a) must:

27 (1) specify the time, place, manner, conditions, and

1 scope of the examination or autopsy;

2 (2) specify the person who is to perform the
3 examination or autopsy; and

4 (3) require the person performing the examination or
5 autopsy to file with the attorney general a detailed written report
6 of the examination or autopsy.

7 (c) A report must set out the findings of the person
8 performing the examination or autopsy, including:

9 (1) the results of any test performed; and

10 (2) any diagnosis, prognosis, or other conclusion or
11 report of an earlier examination of the same condition.

12 (d) On request of the individual examined, the attorney
13 general shall provide to the individual a copy of the report. If
14 the victim is deceased, the attorney general on request shall
15 provide to the claimant a copy of the report.

16 (e) A physician or psychologist performing an examination
17 or autopsy under this article shall be compensated from money
18 appropriated for the administration of this chapter. (Code Crim.
19 Proc., Art. 56.39.)

20 Art. 56B.056. HEARINGS AND PREHEARING CONFERENCES. (a)
21 The attorney general shall determine whether a hearing on an
22 application for compensation under this chapter is necessary.

23 (b) On determining that a hearing is not necessary, the
24 attorney general may approve the application in accordance with
25 Article 56B.057.

26 (c) On determining that a hearing is necessary or on request
27 for a hearing by the claimant or victim, the attorney general shall

1 consider the application at a hearing at a time and place of the
2 attorney general's choosing. The attorney general shall notify all
3 interested persons not later than the 10th day before the date of
4 the hearing.

5 (d) At the hearing the attorney general shall:

6 (1) review the application for compensation and any
7 report prepared under Article 56B.055 and any other evidence
8 obtained as a result of the attorney general's investigation; and

9 (2) receive other evidence that the attorney general
10 finds necessary or desirable to evaluate the application properly.

11 (e) The attorney general may appoint hearing officers to
12 conduct hearings or prehearing conferences under this chapter.

13 (f) A hearing or prehearing conference is open to the public
14 unless the hearing officer or attorney general determines in a
15 particular case that all or part of the hearing or conference should
16 be held in private because a criminal suspect has not been
17 apprehended or because a private hearing or conference is in the
18 interest of the claimant or victim.

19 (g) The attorney general may suspend the proceedings
20 pending disposition of a criminal prosecution that has been
21 commenced or is imminent, except that the attorney general may make
22 an emergency award under Article 56B.102.

23 (h) Subchapters C through H, Chapter 2001, Government Code,
24 do not apply to the attorney general or the attorney general's
25 orders and decisions. (Code Crim. Proc., Art. 56.40.)

26 Art. 56B.057. APPROVAL OF APPLICATION. (a) The attorney
27 general shall approve an application for compensation under this

1 chapter if the attorney general finds by a preponderance of the
2 evidence that grounds for compensation under this chapter exist.

3 (b) The attorney general shall deny an application for
4 compensation under this chapter if:

5 (1) the criminally injurious conduct is not reported
6 as provided by Article 56B.053;

7 (2) the application is not made in the manner provided
8 by Articles 56B.051 and 56B.052;

9 (3) the claimant or victim knowingly and willingly
10 participated in the criminally injurious conduct;

11 (4) the claimant or victim is the offender or an
12 accomplice of the offender;

13 (5) an award of compensation to the claimant or victim
14 would benefit the offender or an accomplice of the offender;

15 (6) the claimant or victim was incarcerated in a penal
16 institution, as defined by Section 1.07, Penal Code, at the time the
17 offense was committed; or

18 (7) the claimant or victim knowingly or intentionally
19 submits false or forged information to the attorney general.

20 (c) Subsection (b)(3) does not apply to a claimant or victim
21 who seeks compensation for criminally injurious conduct that is:

22 (1) in violation of Section 20A.02(a)(7), Penal Code;
23 or

24 (2) trafficking of persons, other than an offense
25 described by Subdivision (1), if the criminally injurious conduct
26 the claimant or victim participated in was the result of force,
27 fraud, or coercion.

1 (d) Except as provided by rules adopted by the attorney
2 general to prevent the unjust enrichment of an offender, the
3 attorney general may not deny an award otherwise payable to a
4 claimant or victim because the claimant or victim:

- 5 (1) is an immediate family member of the offender; or
6 (2) resides in the same household as the offender.
7 (Code Crim. Proc., Art. 56.41.)

8 Art. 56B.058. DISCLOSURE AND USE OF INFORMATION. (a) This
9 article does not apply to information made confidential by law.

10 (b) An application for compensation under this chapter and
11 any information, document, summary, or other record provided to or
12 received, maintained, or created by the attorney general under this
13 chapter is:

14 (1) except as provided by Section 552.132(c),
15 Government Code, not subject to disclosure under Chapter 552 of
16 that code; and

17 (2) except as provided by Subsection (c), not subject
18 to disclosure, discovery, subpoena, or other means of legal
19 compulsion for release.

20 (c) The attorney general may not release or disclose an
21 application for compensation under this chapter, or any
22 information, document, summary, or other record provided to or
23 received, maintained, or created by the attorney general under this
24 chapter, except:

25 (1) by court order for good cause shown, if the order
26 includes a finding that the information is not available from any
27 other source;

- 1 (2) with the consent of:
- 2 (A) the claimant or victim; or
- 3 (B) the person that provided the information to
- 4 the attorney general;
- 5 (3) to an employee or other person under the direction
- 6 of the attorney general;
- 7 (4) to another crime victims' compensation program
- 8 that meets the requirements of 34 U.S.C. Section 20102(b);
- 9 (5) to a person authorized by the attorney general to
- 10 receive the information to:
- 11 (A) conduct an audit as required by state or
- 12 federal law;
- 13 (B) provide a review or examination under Article
- 14 56B.054 or 56B.055 or under another provision of this chapter to
- 15 determine the appropriateness of an award under this chapter;
- 16 (C) prevent, deter, or punish fraud related to
- 17 this chapter; or
- 18 (D) assert subrogation or restitution rights;
- 19 (6) as the attorney general determines necessary to
- 20 enforce this chapter, including presenting the application,
- 21 information, document, summary, or record in court; or
- 22 (7) in response to a subpoena that is issued in a
- 23 criminal proceeding and that requests an application for
- 24 compensation under this chapter, subject to Subsection (d).
- 25 (d) In responding to a subpoena described by Subsection
- 26 (c)(7), the attorney general shall release only the victim's
- 27 completed application form as described by Article 56B.051(a) after

1 redacting any confidential information described by Section
2 552.132(b), Government Code. The release of a victim's completed
3 application form under this subsection does not affect the
4 authority of the court to order the release or disclosure of
5 additional information under this article. (Code Crim. Proc., Art.
6 56.65.)

7 SUBCHAPTER C. AWARD OF COMPENSATION

8 Art. 56B.101. TYPES OF ASSISTANCE. (a) On approving an
9 application for compensation under Article 56B.057, the attorney
10 general shall determine the type of state assistance that will best
11 aid the claimant or victim.

12 (b) The attorney general may:

13 (1) authorize a cash payment to or on behalf of a
14 claimant or victim for pecuniary loss;

15 (2) refer a claimant or victim to a state agency for
16 vocational or other rehabilitative services; or

17 (3) provide counseling services for a claimant or
18 victim or contract with a private entity to provide counseling
19 services. (Code Crim. Proc., Art. 56.35.)

20 Art. 56B.102. EMERGENCY AWARD. (a) Before acting on an
21 application for compensation under this chapter, the attorney
22 general may make an emergency award if it appears likely that:

23 (1) a final award will be made; and

24 (2) the claimant or victim will suffer undue hardship
25 if immediate economic relief is not obtained.

26 (b) An emergency award may not exceed \$1,500.

27 (c) The amount of an emergency award must be:

1 (1) deducted from the final award; or
2 (2) repaid by and recoverable from the claimant or
3 victim to the extent the emergency award exceeds the final award.
4 (Code Crim. Proc., Art. 56.50.)

5 Art. 56B.103. COMPENSATION FOR PECUNIARY LOSS. (a) The
6 attorney general shall award compensation for pecuniary loss
7 arising from criminally injurious conduct if the attorney general
8 is satisfied by a preponderance of the evidence that the
9 requirements of this chapter are met.

10 (b) The attorney general shall establish whether, as a
11 direct result of criminally injurious conduct, a claimant or victim
12 suffered personal injury or death that resulted in a pecuniary loss
13 for which the claimant or victim is not compensated from a
14 collateral source. (Code Crim. Proc., Arts. 56.34(a), (b).)

15 Art. 56B.104. COMPENSATION FOR HEALTH CARE SERVICES. (a)
16 The attorney general shall award compensation for health care
17 services according to the medical fee guidelines prescribed by
18 Subtitle A, Title 5, Labor Code.

19 (b) The attorney general, a claimant, or a victim is not
20 liable for health care service charges that exceed the medical fee
21 guidelines. A health care provider shall accept compensation from
22 the attorney general as payment in full for the charges unless an
23 investigation of the charges by the attorney general determines
24 that there is a reasonable health care justification for the
25 deviation from the guidelines.

26 (c) The attorney general may not compensate a claimant or
27 victim for health care services that the attorney general

1 determines are not medically necessary.

2 (d) The attorney general, a claimant, or a victim is not
3 liable for a charge that is not medically necessary. (Code Crim.
4 Proc., Arts. 56.34(c), (d), 56.385(b), (c).)

5 Art. 56B.105. COMPENSATION FOR CERTAIN CRIMINALLY
6 INJURIOUS CONDUCT PROHIBITED. (a) Except as provided by
7 Subsection (b), the attorney general may not award compensation for
8 pecuniary loss arising from criminally injurious conduct that
9 occurred before January 1, 1980.

10 (b) The attorney general may award compensation for
11 pecuniary loss arising from criminally injurious conduct that
12 occurred before January 1, 1980, if:

13 (1) the conduct was in violation of Chapter 19, Penal
14 Code;

15 (2) the identity of the victim is established by a law
16 enforcement agency on or after January 1, 2009; and

17 (3) the claimant files the application for
18 compensation within the limitations period provided by Article
19 56B.052(e). (Code Crim. Proc., Art. 56.61.)

20 Art. 56B.106. LIMITS ON COMPENSATION. (a) Except as
21 otherwise provided by this article, awards payable to a victim and
22 any other claimant sustaining pecuniary loss because of injury or
23 death of that victim may not exceed \$50,000 in the aggregate.

24 (b) In addition to an award payable under Subsection (a),
25 the attorney general may award not more than \$75,000 for
26 extraordinary pecuniary loss if the personal injury to a victim is
27 catastrophic and results in a total and permanent disability to the

1 victim. An award described by this subsection may be made for lost
2 wages and the reasonable and necessary costs of:

- 3 (1) making a home or motor vehicle accessible;
- 4 (2) obtaining job training and vocational
5 rehabilitation;
- 6 (3) training in the use of a special appliance;
- 7 (4) receiving home health care;
- 8 (5) durable medical equipment;
- 9 (6) rehabilitation technology; and
- 10 (7) long-term medical expenses incurred as a result of
11 medically indicated treatment for the personal injury.

12 (c) A victim who is a victim of stalking, family violence,
13 or trafficking of persons, or a victim of sexual assault who is
14 assaulted in the victim's place of residence, may receive a
15 one-time assistance payment in an amount not to exceed:

16 (1) \$2,000 to be used for relocation expenses,
17 including expenses for rental deposit, utility connections,
18 expenses relating to moving belongings, motor vehicle mileage
19 expenses, and for an out-of-state move, transportation, lodging,
20 and meals; and

21 (2) \$1,800 to be used for housing rental expenses.

22 (d) An immediate family member or household member of a
23 deceased victim may not receive more than \$1,000 in lost wages as a
24 result of bereavement leave taken by the family or household
25 member.

26 (e) The attorney general by rule may establish a limitation
27 on any other pecuniary loss compensated under this chapter,

1 including a limitation on pecuniary loss incurred as a result of a
2 claimant's travel to and attendance of a deceased victim's funeral.
3 (Code Crim. Proc., Art. 56.42.)

4 Art. 56B.107. DENIAL OR REDUCTION OF AWARD. (a) The
5 attorney general may deny or reduce an award otherwise payable:

6 (1) if the claimant or victim has not substantially
7 cooperated with an appropriate law enforcement agency;

8 (2) if, as a result of the claimant's or victim's
9 behavior, the claimant or victim bears a share of the
10 responsibility for the act or omission giving rise to the claim;

11 (3) to the extent that pecuniary loss is recouped from
12 a collateral source; or

13 (4) if the claimant or victim was engaging in an
14 activity that at the time of the criminally injurious conduct was
15 prohibited by law, including a rule.

16 (b) Subsection (a)(4) does not apply to a claimant or victim
17 who seeks compensation for criminally injurious conduct that is:

18 (1) in violation of Section 20A.02(a)(7), Penal Code;

19 or

20 (2) trafficking of persons, other than an offense
21 described by Subdivision (1), if the activity the claimant or
22 victim engaged in was the result of force, fraud, or coercion.

23 (Code Crim. Proc., Art. 56.45.)

24 Art. 56B.108. RECONSIDERATION. (a) On the attorney
25 general's own motion or on request of a claimant or victim, the
26 attorney general may reconsider:

27 (1) a decision to make or deny an award; or

1 (2) the amount of an award.

2 (b) At least annually, the attorney general shall
3 reconsider each award being paid in installments.

4 (c) On reconsideration, the attorney general may order the
5 refund of an award if:

6 (1) the award was obtained by fraud or mistake; or

7 (2) newly discovered evidence shows the claimant or
8 victim to be ineligible for the award under Article 56B.057 or
9 56B.107. (Code Crim. Proc., Art. 56.47.)

10 SUBCHAPTER D. PAYMENT OF AWARD

11 Art. 56B.151. METHOD OF PAYMENT. The attorney general may
12 pay an award in a lump sum or in installments as provided by this
13 subchapter. (Code Crim. Proc., Art. 56.44(a) (part).)

14 Art. 56B.152. PAYMENT FOR PECUNIARY LOSS ACCRUED AT TIME OF
15 AWARD. The attorney general shall pay in a lump sum the part of an
16 award equal to the amount of pecuniary loss accrued to the date of
17 the award. (Code Crim. Proc., Art. 56.44(a) (part).)

18 Art. 56B.153. PAYMENT FOR PECUNIARY LOSS ACCRUED AFTER TIME
19 OF AWARD. (a) Except as provided by Subsection (b), the attorney
20 general shall pay in installments the part of an award for allowable
21 expenses that accrue after the award is made.

22 (b) At the request of the claimant or victim, the attorney
23 general may pay in a lump sum an award for future pecuniary loss if
24 the attorney general finds that:

25 (1) paying the award in a lump sum will promote the
26 interests of the claimant or victim; or

27 (2) the present value of all future pecuniary loss

1 does not exceed \$1,000.

2 (c) The attorney general may not pay in installments an
3 award for future pecuniary loss for a period for which the attorney
4 general cannot reasonably determine the future pecuniary loss.
5 (Code Crim. Proc., Arts. 56.44(a) (part), (b), (c).)

6 Art. 56B.154. RECIPIENT OF PAYMENT. The attorney general
7 may make payments only to an individual who is a claimant or a
8 victim or to a provider on the individual's behalf. (Code Crim.
9 Proc., Art. 56.44(d).)

10 SUBCHAPTER E. GENERAL PROVISIONS RELATING TO PAYMENT

11 Art. 56B.201. ADJUSTMENT OF AWARDS AND PAYMENTS. (a) The
12 attorney general shall establish a policy to adjust awards and
13 payments so that the total amount of awards granted in each calendar
14 year does not exceed the amount of money credited to the
15 compensation to victims of crime fund during that year.

16 (b) On the establishment of a policy under Subsection (a),
17 the attorney general, the claimant, or the victim is not liable for
18 the amount of incurred charges exceeding the adjusted amount for
19 the service on which the adjusted payment is determined.

20 (c) A service provider who accepts a payment that has been
21 adjusted by a policy established under Subsection (a) agrees to
22 accept the adjusted payment as payment in full for the service and
23 is barred from legal action against the claimant or victim for
24 collection. (Code Crim. Proc., Arts. 56.34(e), 56.58.)

25 Art. 56B.202. SUBROGATION. If compensation is awarded
26 under this chapter, the state is subrogated to all the claimant's or
27 victim's rights to receive or recover benefits for pecuniary loss

1 to the extent compensation is awarded from a collateral source.
2 (Code Crim. Proc., Art. 56.51.)

3 Art. 56B.203. AWARD NOT SUBJECT TO EXECUTION. (a) Except
4 as provided by Subsection (b), an award is not subject to execution,
5 attachment, garnishment, or other process.

6 (b) An award is not exempt from a claim of a creditor to the
7 extent that the creditor provided a product, service, or
8 accommodation, the cost of which is included in the award. (Code
9 Crim. Proc., Art. 56.49(a).)

10 Art. 56B.204. ASSIGNMENT OF BENEFITS FOR LOSS ACCRUING IN
11 FUTURE. (a) Except as provided by Subsections (b) and (c), an
12 assignment of or agreement to assign a right to benefits for loss
13 accruing in the future is unenforceable.

14 (b) An assignment of a right to benefits for loss of
15 earnings is enforceable to secure payment of alimony, maintenance,
16 or child support.

17 (c) An assignment of a right to benefits is enforceable to
18 the extent that the benefits are for the cost of a product, service,
19 or accommodation:

20 (1) made necessary by the injury or death on which the
21 claim is based; and

22 (2) provided or to be provided by the assignee. (Code
23 Crim. Proc., Art. 56.49(b).)

24 SUBCHAPTER F. PAYMENTS FOR CERTAIN DISABLED PEACE OFFICERS

25 Art. 56B.251. DEFINITION. In this subchapter, "peace
26 officer" means an individual elected, appointed, or employed to
27 serve as a peace officer for a governmental entity under Article

1 2.12 or other law. The term includes a former peace officer who is
2 entitled to receive payments under this subchapter because of an
3 injury suffered while performing duties as a peace officer. (Code
4 Crim. Proc., Art. 56.542(a).)

5 Art. 56B.252. APPLICABILITY. This subchapter applies only
6 to a peace officer who is employed by this state or a local
7 governmental entity in this state and who sustains an injury in the
8 performance of the officer's duties as a peace officer as a result
9 of criminally injurious conduct on or after September 1, 1989.
10 (Code Crim. Proc., Art. 56.542(b) (part).)

11 Art. 56B.253. PAYMENT ENTITLEMENT. A peace officer to whom
12 this subchapter applies is entitled to an annual payment in the
13 amount described by Article 56B.254 if the officer presents
14 evidence satisfactory to the attorney general that:

15 (1) the officer's condition is a total disability
16 resulting in permanent incapacity for work; and

17 (2) the total disability has persisted for more than
18 12 months. (Code Crim. Proc., Art. 56.542(b) (part).)

19 Art. 56B.254. AMOUNT OF PAYMENT. The amount of an annual
20 payment under this subchapter is equal to the difference between:

21 (1) any amount received by the peace officer for the
22 injury or disability from another source of income, including
23 settlements related to the injury or disability, insurance
24 benefits, federal disability benefits, workers' compensation
25 benefits, and benefits from another governmental entity, if those
26 amounts do not exceed the amount described by Subdivision (2); and

27 (2) an amount equal to the officer's average annual

1 salary during the officer's final three years as a peace officer.
2 (Code Crim. Proc., Art. 56.542(b) (part).)

3 Art. 56B.255. METHOD OF PAYMENT. A peace officer who is
4 entitled to an annual payment under Article 56B.253 may elect to
5 receive the payment in:

6 (1) a single payment paid each year; or

7 (2) equal monthly installments. (Code Crim. Proc.,
8 Art. 56.542(1).)

9 Art. 56B.256. COST-OF-LIVING ADJUSTMENT. (a) The amount
10 of a payment under Article 56B.254 is subject to an annual
11 cost-of-living adjustment calculated by the attorney general.

12 (b) The attorney general shall calculate the amount of the
13 cost-of-living adjustment by multiplying the amount of the annual
14 payment received by the peace officer under this subchapter during
15 the preceding year by the percentage by which the Consumer Price
16 Index for All Urban Consumers published by the Bureau of Labor
17 Statistics of the United States Department of Labor, or its
18 successor index, increased during the preceding calendar year.
19 (Code Crim. Proc., Art. 56.542(c).)

20 Art. 56B.257. CALCULATION OF INITIAL PAYMENT. The attorney
21 general shall calculate the amount of an initial payment based on an
22 injury suffered after September 1, 1989, by:

23 (1) calculating the amount to which the peace officer
24 is entitled under Article 56B.254; and

25 (2) adding to that amount the cumulative successive
26 cost-of-living adjustments for the intervening years calculated
27 from the date of the injury. (Code Crim. Proc., Art. 56.542(d).)

1 Art. 56B.258. PROOF REQUIRED FOR PAYMENT. To receive a
2 payment under this subchapter, a peace officer must provide to the
3 attorney general:

4 (1) proof that the injury:

5 (A) was sustained in the performance of the
6 applicant's duties as a peace officer; and

7 (B) is a total disability resulting in permanent
8 incapacity for work; and

9 (2) any other information or evidence the attorney
10 general requires. (Code Crim. Proc., Art. 56.542(e).)

11 Art. 56B.259. HEARING. The attorney general may approve
12 the application without a hearing or may conduct a hearing under
13 Article 56B.056. (Code Crim. Proc., Art. 56.542(f) (part).)

14 Art. 56B.260. JUDICIAL REVIEW. The decision of the
15 attorney general is subject to judicial review under Subchapter H.
16 (Code Crim. Proc., Art. 56.542(f) (part).)

17 Art. 56B.261. PERIODIC REVIEW. The attorney general may
18 appoint a panel of physicians to periodically review each
19 application for assistance under this subchapter to ensure the
20 validity of the application and the necessity of continued
21 assistance to the peace officer. (Code Crim. Proc., Art.
22 56.542(g).)

23 Art. 56B.262. ISSUANCE OF WARRANT FOR PAYMENT. (a) The
24 attorney general shall notify the comptroller of the attorney
25 general's determination that a claim under this subchapter is valid
26 and justifies payment. On receipt of the notice, the comptroller
27 shall issue a warrant to or on behalf of the peace officer in the

1 proper amount from amounts in the compensation to victims of crime
2 fund. A payment under this subchapter to or on behalf of a peace
3 officer is payable as soon as possible after the attorney general
4 notifies the comptroller.

5 (b) The attorney general and the comptroller by rule shall
6 adopt a memorandum of understanding to establish procedures under
7 which annual payments continue to a peace officer until continued
8 assistance is no longer necessary. (Code Crim. Proc., Arts.
9 56.542(h), (i).)

10 Art. 56B.263. LIMITS ON COMPENSATION. The total aggregate
11 amount of all annual payments made to an individual peace officer
12 under this subchapter may not exceed \$200,000. The limits on
13 compensation imposed by Article 56B.106 do not apply to payments
14 made under this subchapter. (Code Crim. Proc., Art. 56.542(k).)

15 Art. 56B.264. APPLICATION OF OTHER LAW. (a) Article
16 56B.052 does not apply to the filing of an application under this
17 subchapter.

18 (b) Other provisions of this chapter apply to this
19 subchapter to the extent applicable and consistent with this
20 subchapter. (Code Crim. Proc., Art. 56.542(j).)

21 SUBCHAPTER G. ATTORNEY'S FEES

22 Art. 56B.301. AWARD OF ATTORNEY'S FEES. (a) As part of an
23 order, the attorney general shall determine and award reasonable
24 attorney's fees commensurate with legal services rendered, to be
25 paid by the state to the attorney representing the claimant or
26 victim.

27 (b) Attorney's fees may be denied on a finding that the

1 claim or appeal is frivolous.

2 (c) An award of attorney's fees is in addition to an award of
3 compensation.

4 (d) Attorney's fees may not be paid to an attorney of a
5 claimant or victim unless an award is made to the claimant or
6 victim. (Code Crim. Proc., Arts. 56.43(a) (part), (b), (c), (e).)

7 Art. 56B.302. AMOUNT OF ATTORNEY'S FEES. (a) Attorney's
8 fees may not exceed 25 percent of the amount of the award the
9 attorney assisted the claimant or victim in obtaining.

10 (b) If there is no dispute of the attorney general's
11 determination of the amount due to the claimant or victim and a
12 hearing is not held, the attorney's fee shall be the lesser of:

13 (1) 25 percent of the amount the attorney assisted the
14 claimant or victim in obtaining; or

15 (2) \$300.

16 (c) An attorney may not contract for or receive an amount
17 that exceeds the amount allowed under this article. (Code Crim.
18 Proc., Arts. 56.43(a) (part), (d).)

19 SUBCHAPTER H. JUDICIAL REVIEW

20 Art. 56B.351. NOTICE OF DISSATISFACTION. Not later than
21 the 40th day after the date the attorney general renders a final
22 decision, a claimant or victim may file with the attorney general a
23 notice of dissatisfaction with the decision. (Code Crim. Proc.,
24 Art. 56.48(a) (part).)

25 Art. 56B.352. SUIT; VENUE. Not later than the 40th day
26 after the date the claimant or victim gives notice of
27 dissatisfaction under Article 56B.351, the claimant or victim must

1 bring suit in:

2 (1) the district court having jurisdiction in the
3 county in which:

4 (A) the injury or death occurred; or

5 (B) the victim resided at the time of the injury
6 or death; or

7 (2) if the victim resided out of state at the time of
8 the injury or death:

9 (A) the district court having jurisdiction in the
10 county in which the injury or death occurred; or

11 (B) a district court in Travis County. (Code
12 Crim. Proc., Art. 56.48(a) (part).)

13 Art. 56B.353. RESTRICTIONS ON ATTORNEY GENERAL DURING
14 JUDICIAL REVIEW. While judicial review of a decision by the
15 attorney general is pending, the attorney general:

16 (1) shall suspend payments to the claimant or victim;
17 and

18 (2) may not reconsider the award. (Code Crim. Proc.,
19 Art. 56.48(b).)

20 Art. 56B.354. STANDARD OF REVIEW. The court shall
21 determine the issues by trial de novo. (Code Crim. Proc., Art.
22 56.48(c) (part).)

23 Art. 56B.355. BURDEN OF PROOF. The burden of proof is on
24 the claimant or victim filing the notice of dissatisfaction. (Code
25 Crim. Proc., Art. 56.48(c) (part).)

26 Art. 56B.356. ATTORNEY'S FEES. In the event of judicial
27 review, a court may award as attorney's fees an amount not to exceed

1 25 percent of the total recovery by the claimant or victim. (Code
2 Crim. Proc., Art. 56.48(d).)

3 Art. 56B.357. CALCULATION OF TIME. In calculating a period
4 under Article 56B.351 or 56B.352, if the last day is a legal holiday
5 or Sunday, the last day is not counted, and the time is extended to
6 include the next business day. (Code Crim. Proc., Art. 56.48(e).)

7 SUBCHAPTER I. PRIVATE ACTION

8 Art. 56B.401. NOTICE OF PROPOSED PRIVATE ACTION. Before a
9 claimant or victim may bring an action to recover damages related to
10 criminally injurious conduct for which compensation under this
11 chapter is claimed or awarded, the claimant or victim must give the
12 attorney general written notice of the proposed action. (Code
13 Crim. Proc., Art. 56.52(a) (part).)

14 Art. 56B.402. RECEIPT OF NOTICE. After receiving notice
15 under Article 56B.401, the attorney general shall promptly:

16 (1) join in the action as a party plaintiff to recover
17 benefits awarded;

18 (2) require the claimant or victim to bring the action
19 in the claimant's or victim's name as a trustee on behalf of the
20 state to recover benefits awarded; or

21 (3) reserve the attorney general's rights and take
22 neither action described by Subdivision (1) or (2). (Code Crim.
23 Proc., Art. 56.52(a) (part).)

24 Art. 56B.403. DEDUCTION FOR REASONABLE EXPENSES. (a) A
25 claimant or victim who brings an action as a trustee as described by
26 Article 56B.402(2) and recovers compensation awarded by the
27 attorney general may deduct from the benefits recovered on behalf

1 of the state the reasonable expenses of the suit, including
2 attorney's fees, expended in pursuing the recovery for the state.

3 (b) The claimant or victim must justify a deduction under
4 Subsection (a) to the attorney general in writing on a form provided
5 by the attorney general. (Code Crim. Proc., Art. 56.52(b).)

6 Art. 56B.404. LIMITATIONS ON RESOLUTION OF ACTION. (a) A
7 claimant or victim may not settle or otherwise resolve any such
8 action without the attorney general's written authorization.

9 (b) A third party or agent, insurer, or attorney of a third
10 party may not participate in the settlement or other resolution of
11 such an action if the third party, agent, insurer, or attorney
12 actually knows, or should know, that the claimant or victim has
13 received money from the compensation to victims of crime fund and is
14 subject to the subrogation provisions of this subchapter.

15 (c) Any attempt by a third party or agent, insurer, or
16 attorney of a third party to settle an action is void and does not
17 result in a release from liability to the compensation to victims of
18 crime fund for any rights subrogated under this subchapter.

19 (d) An agent, insurer, or attorney described by this article
20 is personally liable to the compensation to victims of crime fund
21 for any money paid to a claimant or victim in violation of this
22 article, in an amount not to exceed the full amount of the fund's
23 right to reimbursement. (Code Crim. Proc., Art. 56.52(c) (part).)

24 Art. 56B.405. CRIMINAL PENALTY. (a) A claimant, victim, or
25 third party, or an agent, insurer, or attorney of a third party,
26 commits an offense if the person knowingly fails to comply with the
27 requirements of this chapter, Chapter 56A, or Subchapter B, Chapter

1 58.

2 (b) An offense under Subsection (a) is a Class B
3 misdemeanor, except that any fine imposed may not exceed \$500.
4 (Code Crim. Proc., Arts. 56.52(c) (part), (d).)

5 SUBCHAPTER J. FUNDS

6 Art. 56B.451. DEFINITION. In this subchapter, "fund" means
7 the compensation to victims of crime fund. (New.)

8 Art. 56B.452. ESTABLISHMENT. (a) The compensation to
9 victims of crime fund is in the state treasury.

10 (b) Section 403.095, Government Code, does not apply to the
11 fund. (Code Crim. Proc., Arts. 56.54(a), (g) (part).)

12 Art. 56B.453. USE OF MONEY. (a) Money in the fund may be
13 used only as provided by this chapter and is not available for any
14 other purpose.

15 (b) Except as provided by Subsection (d) and Articles
16 56B.455, 56B.458, 56B.459, and 56B.460, the fund may be used only by
17 the attorney general to pay compensation to claimants or victims
18 under this chapter.

19 (c) For purposes of Subsection (b), compensation to
20 claimants or victims includes money allocated from the fund to the
21 Crime Victims' Institute created by Section 96.65, Education Code,
22 for the operation of the institute and for other expenses in
23 administering this chapter. The institute shall use money
24 allocated from the fund only for the purposes of Sections 96.65,
25 96.651, and 96.652, Education Code.

26 (d) The attorney general may use the fund to:

27 (1) reimburse a law enforcement agency for the

1 reasonable costs of a forensic medical examination that are
2 incurred by the agency under Subchapter F or G, Chapter 56A; and

3 (2) make a payment to or on behalf of an individual for
4 the reasonable costs incurred for medical care provided under
5 Subchapter F or G, Chapter 56A, in accordance with Section 323.004,
6 Health and Safety Code. (Code Crim. Proc., Arts. 56.54(b), (g)
7 (part), (k).)

8 Art. 56B.454. LIMITATIONS ON PAYMENTS. (a) The attorney
9 general may not make compensation payments that exceed the amount
10 of money available in the fund.

11 (b) General revenue funds may not be used for payments under
12 this chapter. (Code Crim. Proc., Arts. 56.54(d), (e).)

13 Art. 56B.455. AMOUNT CARRIED FORWARD. An amount of money
14 deposited to the credit of the fund not to exceed one-quarter of the
15 amount disbursed from that fund in the form of compensation
16 payments during a state fiscal year shall be carried forward into
17 the next succeeding state fiscal year and applied toward the amount
18 listed in that fiscal year's method of financing. (Code Crim.
19 Proc., Art. 56.54(h).)

20 Art. 56B.456. TRANSFER OF MONEY FROM AUXILIARY FUND. (a)
21 Not later than September 15 of each year, the attorney general,
22 after consulting with the comptroller, shall certify the amount of
23 money remaining in the compensation to victims of crime auxiliary
24 fund at the end of the preceding state fiscal year.

25 (b) If the amount remaining in the compensation to victims
26 of crime auxiliary fund as certified under Subsection (a) exceeds
27 \$5 million, as soon as practicable after the date of certification,

1 the attorney general may transfer to the fund an amount that is not
2 more than 50 percent of the excess amount in the auxiliary fund.
3 Money transferred under this subsection may be used only to make
4 compensation payments during the state fiscal year in which the
5 amount is transferred. (Code Crim. Proc., Art. 56.54(m).)

6 Art. 56B.457. GIFTS, GRANTS, AND DONATIONS. (a) The
7 attorney general may accept gifts, grants, and donations to be
8 credited to the fund.

9 (b) The attorney general shall file annually with the
10 governor and the presiding officer of each house of the legislature
11 a complete and detailed written report accounting for all gifts,
12 grants, and donations received and disbursed, used, or maintained
13 by the attorney general that are credited to the fund. (Code Crim.
14 Proc., Art. 56.54(f).)

15 Art. 56B.458. EMERGENCY RESERVE. (a) If the amount
16 available in the fund is sufficient in a state fiscal year to make
17 all compensation payments, the attorney general may retain any
18 portion of the fund that was deposited during the fiscal year that
19 exceeded compensation payments made during that fiscal year as an
20 emergency reserve for the next fiscal year. The emergency reserve
21 may not exceed \$10,000,000.

22 (b) The emergency reserve may be used only:

23 (1) to make compensation awards in claims; and

24 (2) to provide emergency relief and assistance,
25 including crisis intervention, emergency housing, travel, food, or
26 expenses and technical assistance expenses incurred in
27 implementing this article in incidents resulting from an act of

1 mass violence or from an act of international terrorism as defined
2 by 18 U.S.C. Section 2331, occurring in this state or for Texas
3 residents injured or killed in an act of terrorism outside of the
4 United States. (Code Crim. Proc., Art. 56.54(i).)

5 Art. 56B.459. APPROPRIATION FOR ASSOCIATE JUDGE PROGRAM.
6 The legislature may appropriate money in the fund to administer the
7 associate judge program under Subchapter C, Chapter 201, Family
8 Code. (Code Crim. Proc., Art. 56.54(j).)

9 Art. 56B.460. APPROPRIATION FOR OTHER CRIME VICTIM
10 ASSISTANCE. (a) Not later than December 15 of each even-numbered
11 year, the attorney general, after consulting with the comptroller,
12 shall prepare forecasts and certify estimates of:

13 (1) the amount of money in the fund that the attorney
14 general anticipates will remain unexpended at the end of the
15 current state fiscal year and that is available for appropriation
16 in the next state fiscal biennium;

17 (2) the amount of money that the attorney general
18 anticipates will be received from deposits made to the credit of the
19 fund during the next state fiscal biennium, other than deposits of:

20 (A) gifts, grants, and donations; and

21 (B) money received from the United States; and

22 (3) the amount of money from the fund that the attorney
23 general anticipates will be obligated during the next state fiscal
24 biennium to comply with this chapter, Chapter 56A, and Subchapter
25 B, Chapter 58.

26 (b) At the time the attorney general certifies the estimates
27 made under Subsection (a), the attorney general shall also certify

1 for the next state fiscal biennium the amount of excess money in the
2 fund available for the purposes of Subsection (c), calculated by
3 multiplying the amount estimated under Subsection (a)(3) by 105
4 percent and subtracting that product from the sum of the amounts
5 estimated under Subsections (a)(1) and (2).

6 (c) For a state fiscal biennium, the legislature may
7 appropriate from the fund the amount of excess money in the fund
8 certified for the biennium under Subsection (b) to state agencies
9 that deliver or fund victim-related services or assistance.

10 (d) The attorney general and the comptroller shall
11 cooperate in determining the proper allocation of the various
12 sources of revenue deposited to the credit of the fund for purposes
13 of this article.

14 (e) The attorney general may use money appropriated from the
15 fund for grants or contracts supporting victim-related services or
16 assistance, including support for private Texas nonprofit
17 corporations that provide victim-related civil legal services
18 directly to victims, immediate family members of victims, or
19 claimants. A grant supporting victim-related services or
20 assistance is governed by Chapter 783, Government Code.

21 (f) The attorney general shall adopt rules necessary to
22 implement this article. (Code Crim. Proc., Art. 56.541.)

23 Art. 56B.461. USE OF AUXILIARY FUND. As appropriated by the
24 legislature, the attorney general may use the compensation to
25 victims of crime auxiliary fund to cover costs incurred by the
26 attorney general in administering the address confidentiality
27 program established under Subchapter B, Chapter 58. (Code Crim.

1 Proc., Art. 56.54(1).)

2 Art. 56B.462. PAYERS OF LAST RESORT. The fund and the
3 compensation to victims of crime auxiliary fund are the payers of
4 last resort. (Code Crim. Proc., Art. 56.34(f).)

5 SUBCHAPTER K. ADMINISTRATIVE PENALTY

6 Art. 56B.501. CONDUCT SUBJECT TO PENALTY; AMOUNT OF
7 PENALTY. (a) A person who presents to the attorney general, or
8 engages in conduct that results in the presentation to the attorney
9 general of, an application for compensation under this chapter that
10 contains a statement or representation the person knows to be false
11 is liable to the attorney general for:

12 (1) the amount paid in reliance on the application,
13 plus interest on that amount determined at the rate provided by law
14 for legal judgments and accruing from the date on which the payment
15 was made;

16 (2) payment of an administrative penalty in an amount
17 not to exceed twice the amount paid as a result of the false
18 application for benefits or claim for pecuniary loss; and

19 (3) payment of an administrative penalty in an amount
20 not to exceed \$10,000 for each item or service for which payment was
21 claimed.

22 (b) In determining the amount of the penalty to be assessed
23 under Subsection (a)(3), the attorney general shall consider:

24 (1) the seriousness of the violation;

25 (2) whether the person has previously submitted a
26 false application for benefits or a claim for pecuniary loss; and

27 (3) the amount necessary to deter the person from

1 submitting future false applications for benefits or claims for
2 pecuniary loss. (Code Crim. Proc., Arts. 56.64(a), (b).)

3 Art. 56B.502. REPORT AND NOTICE OF VIOLATION AND PENALTY.

4 (a) On determining that a violation has occurred, the attorney
5 general may issue a report stating:

6 (1) the facts on which the determination is made; and

7 (2) the attorney general's recommendation on the
8 imposition of an administrative penalty, including a
9 recommendation on the amount of the penalty.

10 (b) The attorney general shall give written notice of the
11 report to the person described by Article 56B.501. The notice may
12 be given by certified mail and must:

13 (1) include a brief summary of the alleged violation;

14 (2) state the amount of the recommended penalty; and

15 (3) inform the person of the right to a hearing on the
16 occurrence of the violation, the amount of the penalty, or both.

17 (Code Crim. Proc., Arts. 56.64(c), (d).)

18 Art. 56B.503. PENALTY TO BE PAID OR HEARING REQUESTED. (a)

19 Not later than the 20th day after the date the person receives the
20 notice, the person in writing may:

21 (1) accept the attorney general's determination and
22 recommended administrative penalty; or

23 (2) request a hearing on the occurrence of the
24 violation, the amount of the penalty, or both.

25 (b) If the person accepts the attorney general's
26 determination and recommended penalty, the attorney general by
27 order shall approve the determination and impose the recommended

1 penalty. (Code Crim. Proc., Arts. 56.64(e), (f).)

2 Art. 56B.504. HEARING. (a) If the person requests a
3 hearing as provided by Article 56B.503(a) or fails to respond to the
4 notice in a timely manner, the attorney general shall set a
5 contested case hearing under Chapter 2001, Government Code, and
6 notify the person of the hearing.

7 (b) The administrative law judge shall make findings of fact
8 and conclusions of law and promptly issue to the attorney general a
9 proposal for a decision regarding the occurrence of the violation
10 and the amount of a proposed administrative penalty. (Code Crim.
11 Proc., Art. 56.64(g) (part).)

12 Art. 56B.505. DECISION BY ATTORNEY GENERAL. (a) Based on
13 the findings of fact, conclusions of law, and proposal for a
14 decision, the attorney general by order may find that:

15 (1) a violation occurred and impose an administrative
16 penalty; or

17 (2) a violation did not occur.

18 (b) Notice of the attorney general's order given to the
19 person under Chapter 2001, Government Code, must include a
20 statement of the person's right to judicial review of the order.
21 (Code Crim. Proc., Arts. 56.64(g) (part), (h).)

22 Art. 56B.506. OPTIONS FOLLOWING DECISION: PAY OR APPEAL.

23 (a) Not later than the 30th day after the date the attorney
24 general's order becomes final under Section 2001.144, Government
25 Code, the person shall:

26 (1) pay the administrative penalty;

27 (2) pay the penalty and file a petition for judicial

1 review contesting the occurrence of the violation, the amount of
2 the penalty, or both; or

3 (3) without paying the penalty, file a petition for
4 judicial review contesting the occurrence of the violation, the
5 amount of the penalty, or both.

6 (b) Within the 30-day period, a person who acts under
7 Subsection (a)(3) may:

8 (1) stay enforcement of the penalty by:

9 (A) paying the penalty to the court for placement
10 in an escrow account; or

11 (B) giving to the court a supersedeas bond that
12 is approved by the court and that is:

13 (i) for the amount of the penalty; and

14 (ii) effective until judicial review of the
15 attorney general's order is final; or

16 (2) request the court to stay enforcement of the
17 penalty by:

18 (A) filing with the court a sworn affidavit of
19 the person stating that the person is financially unable to pay the
20 penalty or give the supersedeas bond; and

21 (B) delivering a copy of the affidavit to the
22 attorney general by certified mail.

23 (c) On receipt by the attorney general of a copy of an
24 affidavit under Subsection (b)(2), the attorney general may file
25 with the court a contest to the affidavit not later than the fifth
26 day after the date the copy is received.

27 (d) The court shall hold a hearing on the facts alleged in

1 the affidavit as soon as practicable and shall stay the enforcement
2 of the penalty on finding that the alleged facts are true. A person
3 who files an affidavit under Subsection (b)(2) has the burden of
4 proving that the person is financially unable to pay the penalty or
5 give a supersedeas bond. (Code Crim. Proc., Arts. 56.64(i), (j),
6 (k).)

7 Art. 56B.507. COLLECTION OF PENALTY. If the person does not
8 pay the administrative penalty and the enforcement of the penalty
9 is not stayed, the attorney general may file suit to collect the
10 penalty. (Code Crim. Proc., Art. 56.64(l).)

11 Art. 56B.508. DECISION BY COURT. (a) If the court sustains
12 the finding that a violation occurred, the court may order the
13 person to pay the full or a reduced administrative penalty.

14 (b) If the court does not sustain the finding that a
15 violation occurred, the court shall order that a penalty is not
16 owed. (Code Crim. Proc., Art. 56.64(n).)

17 Art. 56B.509. REMITTANCE OF PENALTY AND INTEREST. (a) If
18 the person paid the administrative penalty and the amount is
19 reduced or is not upheld by the court, the court shall order that
20 the appropriate amount plus accrued interest be remitted to the
21 person.

22 (b) The interest accrues at the rate charged on loans to
23 depository institutions by the New York Federal Reserve Bank. The
24 interest shall be paid for the period beginning on the date the
25 penalty was paid and ending on the date the penalty is remitted.
26 (Code Crim. Proc., Art. 56.64(o) (part).)

27 Art. 56B.510. RELEASE OF BOND. (a) If the person gave a

1 supersedeas bond and the administrative penalty is not upheld by
2 the court, the court shall order the release of the bond.

3 (b) If the person gave a supersedeas bond and the amount of
4 the penalty is reduced, the court shall order the release of the
5 bond after the person pays the amount. (Code Crim. Proc., Art.
6 56.64(o) (part).)

7 Art. 56B.511. DISPOSITION OF PENALTY. An administrative
8 penalty collected under this subchapter shall be sent to the
9 comptroller and deposited to the credit of the compensation to
10 victims of crime fund. (Code Crim. Proc., Art. 56.64(p).)

11 Art. 56B.512. RECOVERY OF EXPENSES. In addition to the
12 administrative penalty authorized by this subchapter, the attorney
13 general may recover all expenses incurred by the attorney general
14 in the investigation, institution, and prosecution of the suit,
15 including investigative costs, witness fees, attorney's fees, and
16 deposition expenses. (Code Crim. Proc., Art. 56.64(r).)

17 Art. 56B.513. ADMINISTRATIVE PROCEDURE. A proceeding under
18 this subchapter is subject to Chapter 2001, Government Code. (Code
19 Crim. Proc., Art. 56.64(q).)

20 SUBCHAPTER L. OTHER PENALTIES AND SANCTIONS

21 Art. 56B.551. LETTER OF REPRIMAND. (a) The attorney
22 general may issue a letter of reprimand against an individual who
23 the attorney general finds has filed or has caused to be filed under
24 this chapter an application for benefits or claim for pecuniary
25 loss that contains a statement or representation that the
26 individual knows is false.

27 (b) The attorney general must give the individual notice of

1 the proposed action before issuing the letter.

2 (c) An individual may challenge the denial of compensation
3 and the issuance of a letter of reprimand in a contested case
4 hearing under Chapter 2001, Government Code.

5 (d) A letter of reprimand issued under this article is
6 public information. (Code Crim. Proc., Art. 56.62.)

7 Art. 56B.552. CIVIL PENALTY. (a) A person is subject to a
8 civil penalty of not less than \$2,500 or more than \$25,000 for each
9 application for compensation that:

10 (1) is filed under this chapter by the person or as a
11 result of the person's conduct; and

12 (2) contains a material statement or representation
13 that the person knows is false.

14 (b) The attorney general shall institute and conduct a suit
15 to collect on behalf of the state the civil penalty authorized by
16 this article.

17 (c) A civil penalty recovered under this article shall be
18 deposited to the credit of the compensation to victims of crime
19 fund.

20 (d) The civil penalty authorized by this article is in
21 addition to any other civil, administrative, or criminal penalty
22 provided by law.

23 (e) In addition to the civil penalty authorized by this
24 article, the attorney general may recover expenses incurred by the
25 attorney general in the investigation, institution, and
26 prosecution of the suit, including investigative costs, witness
27 fees, attorney's fees, and deposition expenses. (Code Crim. Proc.,

1 Art. 56.63.)

2 SECTION 1.07. Title 1, Code of Criminal Procedure, is
3 amended by adding Chapter 58 to read as follows:

4 CHAPTER 58. CONFIDENTIALITY OF IDENTIFYING INFORMATION AND MEDICAL
5 RECORDS OF CERTAIN CRIME VICTIMS

6 SUBCHAPTER A. GENERAL PROVISIONS

7 Art. 58.001. GENERAL DEFINITIONS

8 SUBCHAPTER B. ADDRESS CONFIDENTIALITY PROGRAM FOR CERTAIN CRIME
9 VICTIMS

10 Art. 58.051. DEFINITIONS

11 Art. 58.052. ADDRESS CONFIDENTIALITY PROGRAM

12 Art. 58.053. AGENCY ACCEPTANCE OF SUBSTITUTE ADDRESS
13 REQUIRED; EXEMPTIONS

14 Art. 58.054. ELIGIBILITY

15 Art. 58.055. APPLICATION

16 Art. 58.056. APPLICATION AND ELIGIBILITY RULES AND
17 PROCEDURES

18 Art. 58.057. FALSE STATEMENT ON APPLICATION

19 Art. 58.058. EXCLUSION FROM PARTICIPATION IN PROGRAM;
20 WITHDRAWAL

21 Art. 58.059. CERTIFICATION OF PARTICIPATION IN PROGRAM

22 Art. 58.060. CONFIDENTIALITY OF PARTICIPANT
23 INFORMATION; DESTRUCTION OF INFORMATION

24 Art. 58.061. EXCEPTIONS

25 Art. 58.062. LIABILITY

1 SUBCHAPTER C. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF SEX

2 OFFENSE VICTIMS

3 Art. 58.101. DEFINITION

4 Art. 58.102. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM

5 Art. 58.103. VICTIM INFORMATION CONFIDENTIAL

6 Art. 58.104. COURT-ORDERED DISCLOSURE OF VICTIM

7 INFORMATION

8 Art. 58.105. DISCLOSURE OF CERTAIN CHILD VICTIM

9 INFORMATION PROHIBITED

10 Art. 58.106. DISCLOSURE OF INFORMATION OF CONFINED

11 VICTIM

12 Art. 58.107. OFFENSE

13 SUBCHAPTER D. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF

14 VICTIMS OF STALKING

15 Art. 58.151. DEFINITION

16 Art. 58.152. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM

17 Art. 58.153. VICTIM INFORMATION CONFIDENTIAL

18 Art. 58.154. COURT-ORDERED DISCLOSURE OF VICTIM

19 INFORMATION

20 Art. 58.155. DISCLOSURE OF CERTAIN CHILD VICTIM

21 INFORMATION PROHIBITED

22 Art. 58.156. OFFENSE

23 Art. 58.157. EFFECT ON OTHER LAW

24 SUBCHAPTER E. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF

25 VICTIMS OF FAMILY VIOLENCE

26 Art. 58.201. DEFINITION

27 Art. 58.202. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM

- 1 Art. 58.203. VICTIM INFORMATION CONFIDENTIAL
- 2 Art. 58.204. COURT-ORDERED DISCLOSURE OF VICTIM
3 INFORMATION
- 4 Art. 58.205. DISCLOSURE OF CERTAIN CHILD VICTIM
5 INFORMATION PROHIBITED
- 6 Art. 58.206. OFFENSE
- 7 Art. 58.207. APPLICABILITY OF SUBCHAPTER TO DEPARTMENT
8 OF FAMILY AND PROTECTIVE SERVICES
- 9 Art. 58.208. APPLICABILITY OF SUBCHAPTER TO POLITICAL
10 SUBDIVISIONS
- 11 SUBCHAPTER F. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF
12 VICTIMS OF TRAFFICKING OF PERSONS
- 13 Art. 58.251. DEFINITION
- 14 Art. 58.252. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM
- 15 Art. 58.253. VICTIM INFORMATION CONFIDENTIAL
- 16 Art. 58.254. COURT-ORDERED DISCLOSURE OF VICTIM
17 INFORMATION
- 18 Art. 58.255. DISCLOSURE OF CHILD VICTIM INFORMATION
19 PROHIBITED
- 20 Art. 58.256. OFFENSE
- 21 SUBCHAPTER G. SEALING OF MEDICAL RECORDS OF CERTAIN CHILD VICTIMS
- 22 Art. 58.301. DEFINITIONS
- 23 Art. 58.302. SEALING OF MEDICAL RECORDS
- 24 Art. 58.303. ACCESS TO SEALED MEDICAL RECORDS
- 25 Art. 58.304. LIABILITY

1 CHAPTER 58. CONFIDENTIALITY OF IDENTIFYING INFORMATION AND MEDICAL
2 RECORDS OF CERTAIN CRIME VICTIMS
3 SUBCHAPTER A. GENERAL PROVISIONS

4 Art. 58.001. GENERAL DEFINITIONS. In this chapter:

5 (1) "Name" means the legal name of a person.

6 (2) "Pseudonym" means a set of initials or a
7 fictitious name chosen by a victim to designate the victim in all
8 public files and records concerning the offense, including police
9 summary reports, press releases, and records of judicial
10 proceedings.

11 (3) "Public servant" has the meaning assigned by
12 Section 1.07(a), Penal Code. (Code Crim. Proc., Arts. 57.01(1),
13 (2), (3), 57A.01(1), (2), (3), 57B.01(1), (2), (3), 57D.01(1), (2),
14 (3).)

15 SUBCHAPTER B. ADDRESS CONFIDENTIALITY PROGRAM FOR CERTAIN CRIME
16 VICTIMS

17 Art. 58.051. DEFINITIONS. In this subchapter:

18 (1) "Applicant" means a person who applies to
19 participate in the program.

20 (2) "Family violence" has the meaning assigned by
21 Section 71.004, Family Code.

22 (3) "Family violence shelter center" has the meaning
23 assigned by Section 51.002, Human Resources Code.

24 (4) "Household" has the meaning assigned by Section
25 71.005, Family Code.

26 (5) "Mail" means first class mail and any mail sent by
27 a government agency. The term does not include a package,

1 regardless of size or type of mailing.

2 (6) "Participant" means an applicant who is certified
3 for participation in the program.

4 (7) "Program" means the address confidentiality
5 program created under this subchapter.

6 (8) "Sexual abuse" means any conduct that constitutes
7 an offense under Section 21.02, 21.11, or 25.02, Penal Code.

8 (9) "Sexual assault" means any conduct that
9 constitutes an offense under Section 22.011 or 22.021, Penal Code.

10 (10) "Stalking" means any conduct that constitutes an
11 offense under Section 42.072, Penal Code.

12 (11) "Trafficking of persons" means any conduct that:

13 (A) constitutes an offense under Section 20A.02,
14 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code;
15 and

16 (B) results in a person:

17 (i) engaging in forced labor or services;

18 or

19 (ii) otherwise becoming a victim of the
20 offense. (Code Crim. Proc., Art. 56.81.)

21 Art. 58.052. ADDRESS CONFIDENTIALITY PROGRAM. (a) The
22 attorney general shall establish an address confidentiality
23 program, as provided by this subchapter, to assist a victim of
24 family violence, sexual assault or abuse, stalking, or trafficking
25 of persons in maintaining a confidential address.

26 (b) The attorney general shall:

27 (1) designate a substitute post office box address

1 that a participant may use in place of the participant's true
2 residential, business, or school address;

3 (2) act as agent to receive service of process and mail
4 on behalf of the participant; and

5 (3) forward to the participant mail received by the
6 office of the attorney general on behalf of the participant.

7 (c) A summons, writ, notice, demand, or process may be
8 served on the attorney general on behalf of the participant by
9 delivery of two copies of the document to the office of the attorney
10 general. The attorney general shall retain a copy of the summons,
11 writ, notice, demand, or process and forward the original to the
12 participant not later than the third day after the date of service
13 on the attorney general.

14 (d) The attorney general shall make and retain a copy of the
15 envelope in which certified mail is received on behalf of the
16 participant.

17 (e) The attorney general shall adopt rules to administer the
18 program. (Code Crim. Proc., Arts. 56.82, 56.93.)

19 Art. 58.053. AGENCY ACCEPTANCE OF SUBSTITUTE ADDRESS
20 REQUIRED; EXEMPTIONS. (a) Except as provided by Subsection (b), a
21 state or local agency must accept the substitute post office box
22 address designated by the attorney general if the substitute
23 address is presented to the agency by a participant in place of the
24 participant's true residential, business, or school address.

25 (b) The attorney general by rule may permit an agency to
26 require a participant to provide the participant's true
27 residential, business, or school address, if necessary for the

1 agency to perform a duty or function that is imposed by law or
2 administrative requirement. (Code Crim. Proc., Art. 56.89.)

3 Art. 58.054. ELIGIBILITY. To be eligible to participate in
4 the program:

5 (1) an applicant must:

6 (A) meet with a victim's assistance counselor
7 from a state or local agency or other for-profit or nonprofit entity
8 that is identified by the attorney general as an entity that
9 provides shelter or civil legal services or counseling to victims
10 of family violence, sexual assault or abuse, stalking, or
11 trafficking of persons;

12 (B) be protected under, or be filing an
13 application on behalf of a victim who is the applicant's child or
14 another person in the applicant's household and who is protected
15 under:

16 (i) a temporary injunction issued under
17 Subchapter F, Chapter 6, Family Code;

18 (ii) a temporary ex parte order issued
19 under Chapter 83, Family Code;

20 (iii) an order issued under Subchapter A or
21 B, Chapter 7B, of this code or Chapter 85, Family Code; or

22 (iv) a magistrate's order for emergency
23 protection issued under Article 17.292; or

24 (C) possess documentation of family violence, as
25 identified by the rules adopted under Article 58.056, or of sexual
26 assault or abuse or stalking, as described by Section 92.0161,
27 Property Code; and

1 (2) an applicant must:

2 (A) file an application for participation with
3 the attorney general or a state or local agency or other entity
4 identified by the attorney general under Subdivision (1);

5 (B) file an affirmation that the applicant has
6 discussed safety planning with a victim's assistance counselor
7 described by Subdivision (1)(A);

8 (C) designate the attorney general as agent to
9 receive service of process and mail on behalf of the applicant; and

10 (D) live at a residential address, or relocate to
11 a residential address, that is unknown to the person who committed
12 or is alleged to have committed the family violence, sexual assault
13 or abuse, stalking, or trafficking of persons. (Code Crim. Proc.,
14 Art. 56.83(a).)

15 Art. 58.055. APPLICATION. (a) An application under
16 Article 58.054(2)(A) must contain:

17 (1) a signed, sworn statement by the applicant stating
18 that the applicant fears for the safety of the applicant, the
19 applicant's child, or another person in the applicant's household
20 because of a threat of immediate or future harm caused by the person
21 who committed or is alleged to have committed the family violence,
22 sexual assault or abuse, stalking, or trafficking of persons;

23 (2) the applicant's true residential address and, if
24 applicable, the applicant's business and school addresses; and

25 (3) a statement by the applicant of whether there is an
26 existing court order or a pending court case for child support or
27 child custody or visitation that involves the applicant, the

1 applicant's child, or another person in the applicant's household
2 and, if so, the name and address of:

3 (A) the legal counsel of record; and

4 (B) each parent involved in the court order or
5 pending case.

6 (b) An application under Article 58.054(2)(A) must be
7 completed by the applicant in person at the state or local agency or
8 other entity with which the application is filed.

9 (c) A state or local agency or other entity with which an
10 application is filed under Article 58.054(2)(A) shall forward the
11 application to the office of the attorney general.

12 (d) Any assistance or counseling provided by the attorney
13 general or an employee or agent of the attorney general to an
14 applicant does not constitute legal advice.

15 (e) The attorney general shall make program information and
16 application materials available online. (Code Crim. Proc., Arts.
17 56.83(b), (c) (part), (d), (f), 56.92.)

18 Art. 58.056. APPLICATION AND ELIGIBILITY RULES AND
19 PROCEDURES. (a) The attorney general may establish procedures for
20 requiring an applicant, in appropriate circumstances, to submit
21 with the application under Article 58.054(2)(A) independent
22 documentary evidence of family violence, sexual assault or abuse,
23 stalking, or trafficking of persons in the form of:

24 (1) an active or recently issued order described by
25 Article 58.054(1)(B);

26 (2) an incident report or other record maintained by a
27 law enforcement agency or official;

1 (3) a statement of a physician or other health care
2 provider regarding the medical condition of the applicant,
3 applicant's child, or other person in the applicant's household as a
4 result of the family violence, sexual assault or abuse, stalking,
5 or trafficking of persons;

6 (4) a statement of a mental health professional, a
7 member of the clergy, an attorney or other legal advocate, a trained
8 staff member of a family violence center, or another professional
9 who has assisted the applicant, applicant's child, or other person
10 in the applicant's household in addressing the effects of the
11 family violence, sexual assault or abuse, stalking, or trafficking
12 of persons; or

13 (5) any other independent documentary evidence
14 necessary to show the applicant's eligibility to participate in the
15 program.

16 (b) The attorney general by rule may establish additional
17 eligibility requirements for participation in the program that are
18 consistent with the purpose of the program as stated in Article
19 58.052(a). (Code Crim. Proc., Arts. 56.83(e), (e-1).)

20 Art. 58.057. FALSE STATEMENT ON APPLICATION. (a) An
21 applicant who knowingly or intentionally makes a false statement in
22 an application under Article 58.054(2)(A) is subject to prosecution
23 under Chapter 37, Penal Code.

24 (b) An applicant is ineligible for, and a participant may be
25 excluded from, participation in the program if the applicant or
26 participant knowingly makes a false statement on an application
27 filed under Article 58.054(2)(A). (Code Crim. Proc., Arts.

1 56.83(c) (part), 56.86(a).)

2 Art. 58.058. EXCLUSION FROM PARTICIPATION IN PROGRAM;
3 WITHDRAWAL. (a) A participant may be excluded from participation
4 in the program if:

5 (1) mail forwarded to the participant by the attorney
6 general is returned undeliverable on at least four occasions;

7 (2) the participant changes the participant's true
8 residential address as provided in the application filed under
9 Article 58.054(2)(A) and does not notify the attorney general of
10 the change at least 10 days before the date of the change; or

11 (3) the participant changes the participant's name.

12 (b) A participant may withdraw from the program by notifying
13 the attorney general in writing of the withdrawal. (Code Crim.
14 Proc., Arts. 56.86(b), 56.87.)

15 Art. 58.059. CERTIFICATION OF PARTICIPATION IN PROGRAM.

16 (a) The attorney general shall certify for participation in the
17 program an applicant who satisfies the eligibility requirements
18 under Articles 58.054 and 58.056(b).

19 (b) A certification under this article expires on the third
20 anniversary of the date of certification.

21 (c) To renew a certification under this article, a
22 participant must satisfy the eligibility requirements under
23 Articles 58.054 and 58.056(b) as if the participant were originally
24 applying for participation in the program. (Code Crim. Proc.,
25 Arts. 56.84, 56.85.)

26 Art. 58.060. CONFIDENTIALITY OF PARTICIPANT INFORMATION;
27 DESTRUCTION OF INFORMATION. (a) Information relating to a

1 participant:

2 (1) is confidential, except as provided by Article
3 58.061; and

4 (2) may not be disclosed under Chapter 552, Government
5 Code.

6 (b) Except as provided by Article 58.052(d), the attorney
7 general may not make a copy of any mail received by the office of the
8 attorney general on behalf of the participant.

9 (c) The attorney general shall destroy all information
10 relating to a participant on the third anniversary of the date the
11 participant's participation in the program ends. (Code Crim.
12 Proc., Art. 56.88.)

13 Art. 58.061. EXCEPTIONS. (a) The attorney general shall
14 disclose a participant's true residential, business, or school
15 address if:

16 (1) requested by:

17 (A) a law enforcement agency for the purpose of
18 conducting an investigation;

19 (B) the Department of Family and Protective
20 Services for the purpose of conducting a child protective services
21 investigation under Chapter 261, Family Code; or

22 (C) the Department of State Health Services or a
23 local health authority for the purpose of making a notification
24 described by Article 21.31 of this code, Section 54.033, Family
25 Code, or Section 81.051, Health and Safety Code; or

26 (2) required by court order.

27 (b) The attorney general may disclose a participant's true

1 residential, business, or school address if:

2 (1) the participant consents to the disclosure; and

3 (2) the disclosure is necessary to administer the
4 program.

5 (c) A person to whom a participant's true residential,
6 business, or school address is disclosed under this article shall
7 maintain the requested information in a manner that protects the
8 confidentiality of the participant's true residential, business,
9 or school address. (Code Crim. Proc., Art. 56.90.)

10 Art. 58.062. LIABILITY. (a) The attorney general or an
11 agent or employee of the attorney general is immune from liability
12 for any act or omission by the agent or employee in administering
13 the program if the agent or employee was acting in good faith and in
14 the course and scope of assigned responsibilities and duties.

15 (b) An agent or employee of the attorney general who does
16 not act in good faith and in the course and scope of assigned
17 responsibilities and duties in disclosing a participant's true
18 residential, business, or school address is subject to prosecution
19 under Chapter 39, Penal Code. (Code Crim. Proc., Art. 56.91.)

20 SUBCHAPTER C. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF SEX
21 OFFENSE VICTIMS

22 Art. 58.101. DEFINITION. In this subchapter, "victim"
23 means a person who was the subject of:

24 (1) an offense the commission of which leads to a
25 reportable conviction or adjudication under Chapter 62; or

26 (2) an offense that is part of the same criminal
27 episode, as defined by Section 3.01, Penal Code, as an offense

1 described by Subdivision (1). (Code Crim. Proc., Art. 57.01(4).)

2 Art. 58.102. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a)
3 A victim may choose a pseudonym to be used instead of the victim's
4 name to designate the victim in all public files and records
5 concerning the offense, including police summary reports, press
6 releases, and records of judicial proceedings. A victim who elects
7 to use a pseudonym as provided by this subchapter must complete a
8 pseudonym form developed under Subsection (b) and return the form
9 to the law enforcement agency investigating the offense.

10 (b) The Sexual Assault Prevention and Crisis Services
11 Program of the office of the attorney general shall develop and
12 distribute to all law enforcement agencies of the state a pseudonym
13 form to record the name, address, telephone number, and pseudonym
14 of a victim. (Code Crim. Proc., Arts. 57.02(a), (b).)

15 Art. 58.103. VICTIM INFORMATION CONFIDENTIAL. (a) A
16 victim who completes a pseudonym form and returns the form to the
17 law enforcement agency investigating the offense may not be
18 required to disclose the victim's name, address, and telephone
19 number in connection with the investigation or prosecution of the
20 offense.

21 (b) A completed and returned pseudonym form is confidential
22 and may not be disclosed to any person other than a defendant in the
23 case or the defendant's attorney, except on an order of a court.
24 The court finding required by Article 58.104 is not required to
25 disclose the confidential pseudonym form to the defendant in the
26 case or to the defendant's attorney.

27 (c) If a victim completes a pseudonym form and returns the

1 form to a law enforcement agency under Article 58.102(a), the law
2 enforcement agency receiving the form shall:

3 (1) remove the victim's name and substitute the
4 pseudonym for the name on all reports, files, and records in the
5 agency's possession;

6 (2) notify the attorney representing the state of the
7 pseudonym and that the victim has elected to be designated by the
8 pseudonym; and

9 (3) maintain the form in a manner that protects the
10 confidentiality of the information contained on the form.

11 (d) An attorney representing the state who receives notice
12 that a victim has elected to be designated by a pseudonym shall
13 ensure that the victim is designated by the pseudonym in all legal
14 proceedings concerning the offense. (Code Crim. Proc., Arts.
15 57.02(c), (d), (e), (f).)

16 Art. 58.104. COURT-ORDERED DISCLOSURE OF VICTIM
17 INFORMATION. A court may order the disclosure of a victim's name,
18 address, and telephone number only if the court finds that the
19 information is essential in the trial of the defendant for the
20 offense or the identity of the victim is in issue. (Code Crim.
21 Proc., Art. 57.02(g).)

22 Art. 58.105. DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION
23 PROHIBITED. Except as required or permitted by other law or by
24 court order, a public servant or other person who has access to or
25 obtains the name, address, telephone number, or other identifying
26 information of a victim younger than 17 years of age may not release
27 or disclose the identifying information to any person who is not

1 assisting in the investigation, prosecution, or defense of the
2 case. This article does not apply to the release or disclosure of a
3 victim's identifying information by:

4 (1) the victim; or

5 (2) the victim's parent, conservator, or guardian,
6 unless the parent, conservator, or guardian is a defendant in the
7 case. (Code Crim. Proc., Art. 57.02(h).)

8 Art. 58.106. DISCLOSURE OF INFORMATION OF CONFINED VICTIM.

9 This subchapter does not prohibit the inspector general of the
10 Texas Department of Criminal Justice from disclosing a victim's
11 identifying information to an employee of the department or the
12 department's ombudsperson if the victim is an inmate or state jail
13 defendant confined in a facility operated by or under contract with
14 the department. (Code Crim. Proc., Art. 57.02(i) as added Acts 80th
15 Leg., R.S., Chs. 619, 1217.)

16 Art. 58.107. OFFENSE. (a) A public servant commits an
17 offense if the public servant:

18 (1) has access to the name, address, or telephone
19 number of a victim 17 years of age or older who has chosen a
20 pseudonym under this subchapter; and

21 (2) knowingly discloses the name, address, or
22 telephone number of the victim to:

23 (A) a person who is not assisting in the
24 investigation or prosecution of the offense; or

25 (B) a person other than:

26 (i) the defendant;

27 (ii) the defendant's attorney; or

1 (iii) the person specified in the order of a
2 court.

3 (b) Unless the disclosure is required or permitted by other
4 law, a public servant or other person commits an offense if the
5 person:

6 (1) has access to or obtains the name, address, or
7 telephone number of a victim younger than 17 years of age; and

8 (2) knowingly discloses the name, address, or
9 telephone number of the victim to:

10 (A) a person who is not assisting in the
11 investigation or prosecution of the offense; or

12 (B) a person other than:

13 (i) the defendant;

14 (ii) the defendant's attorney; or

15 (iii) a person specified in an order of a
16 court.

17 (c) It is an affirmative defense to prosecution under
18 Subsection (b) that the actor is:

19 (1) the victim; or

20 (2) the victim's parent, conservator, or guardian,
21 unless the actor is a defendant in the case.

22 (d) It is an exception to the application of this article
23 that:

24 (1) the person who discloses the name, address, or
25 telephone number of a victim is the inspector general of the Texas
26 Department of Criminal Justice;

27 (2) the victim is an inmate or state jail defendant

1 confined in a facility operated by or under contract with the
2 department; and

3 (3) the person to whom the disclosure is made is an
4 employee of the department or the department's ombudsperson.

5 (e) An offense under this article is a Class C misdemeanor.
6 (Code Crim. Proc., Art. 57.03.)

7 SUBCHAPTER D. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF
8 VICTIMS OF STALKING

9 Art. 58.151. DEFINITION. In this subchapter, "victim"
10 means a person who is the subject of:

11 (1) an offense that allegedly constitutes stalking
12 under Section 42.072, Penal Code; or

13 (2) an offense that is part of the same criminal
14 episode, as defined by Section 3.01, Penal Code, as an offense under
15 Section 42.072, Penal Code. (Code Crim. Proc., Art. 57A.01(4).)

16 Art. 58.152. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a)
17 A victim may choose a pseudonym to be used instead of the victim's
18 name to designate the victim in all public files and records
19 concerning the offense, including police summary reports, press
20 releases, and records of judicial proceedings. A victim who elects
21 to use a pseudonym as provided by this subchapter must complete a
22 pseudonym form developed under Subsection (b) and return the form
23 to the law enforcement agency investigating the offense.

24 (b) The office of the attorney general shall develop and
25 distribute to all law enforcement agencies of the state a pseudonym
26 form to record the name, address, telephone number, and pseudonym
27 of a victim. (Code Crim. Proc., Arts. 57A.02(a), (b).)

1 Art. 58.153. VICTIM INFORMATION CONFIDENTIAL. (a) A
2 victim who completes a pseudonym form and returns the form to the
3 law enforcement agency investigating the offense may not be
4 required to disclose the victim's name, address, and telephone
5 number in connection with the investigation or prosecution of the
6 offense.

7 (b) A completed and returned pseudonym form is confidential
8 and may not be disclosed to any person other than the victim
9 identified by the pseudonym form, a defendant in the case, or the
10 defendant's attorney, except on an order of a court. The court
11 finding required by Article 58.154 is not required to disclose the
12 confidential pseudonym form to the victim identified by the
13 pseudonym form, the defendant in the case, or the defendant's
14 attorney.

15 (c) If a victim completes a pseudonym form and returns the
16 form to a law enforcement agency under Article 58.152(a), the law
17 enforcement agency receiving the form shall:

18 (1) remove the victim's name and substitute the
19 pseudonym for the name on all reports, files, and records in the
20 agency's possession;

21 (2) notify the attorney representing the state of the
22 pseudonym and that the victim has elected to be designated by the
23 pseudonym;

24 (3) provide to the victim a copy of the completed
25 pseudonym form showing that the form was returned to the law
26 enforcement agency; and

27 (4) maintain the form in a manner that protects the

1 confidentiality of the information contained on the form.

2 (d) An attorney representing the state who receives notice
3 that a victim has elected to be designated by a pseudonym shall
4 ensure that the victim is designated by the pseudonym in all legal
5 proceedings concerning the offense. (Code Crim. Proc.,
6 Arts. 57A.02(c), (d), (e), (f).)

7 Art. 58.154. COURT-ORDERED DISCLOSURE OF VICTIM
8 INFORMATION. A court may order the disclosure of a victim's name,
9 address, and telephone number only if the court finds that:

10 (1) the information is essential in the trial of the
11 defendant for the offense;

12 (2) the identity of the victim is in issue; or

13 (3) the disclosure is in the best interest of the
14 victim. (Code Crim. Proc., Art. 57A.02(g).)

15 Art. 58.155. DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION
16 PROHIBITED. Except as required or permitted by other law or by
17 court order, a public servant or other person who has access to or
18 obtains the name, address, telephone number, or other identifying
19 information of a victim younger than 17 years of age may not release
20 or disclose the identifying information to any person who is not
21 assisting in the investigation, prosecution, or defense of the
22 case. This article does not apply to the release or disclosure of a
23 victim's identifying information by:

24 (1) the victim; or

25 (2) the victim's parent, conservator, or guardian,
26 unless the victim's parent, conservator, or guardian allegedly
27 committed the offense described by Article 58.151. (Code Crim.

1 Proc., Art. 57A.02(h).)

2 Art. 58.156. OFFENSE. (a) A public servant commits an
3 offense if the public servant:

4 (1) has access to the name, address, or telephone
5 number of a victim 17 years of age or older who has chosen a
6 pseudonym under this subchapter; and

7 (2) knowingly discloses the name, address, or
8 telephone number of the victim to:

9 (A) a person who is not assisting in the
10 investigation or prosecution of the offense; or

11 (B) a person other than:

12 (i) the defendant;

13 (ii) the defendant's attorney; or

14 (iii) the person specified in the order of a
15 court.

16 (b) Unless the disclosure is required or permitted by other
17 law, a public servant or other person commits an offense if the
18 person:

19 (1) has access to or obtains the name, address, or
20 telephone number of a victim younger than 17 years of age; and

21 (2) knowingly discloses the name, address, or
22 telephone number of the victim to:

23 (A) a person who is not assisting in the
24 investigation or prosecution of the offense; or

25 (B) a person other than:

26 (i) the defendant;

27 (ii) the defendant's attorney; or

1 (iii) a person specified in an order of a
2 court.

3 (c) It is an affirmative defense to prosecution under
4 Subsection (b) that the actor is:

5 (1) the victim; or

6 (2) the victim's parent, conservator, or guardian,
7 unless the victim's parent, conservator, or guardian allegedly
8 committed the offense described by Article 58.151.

9 (d) An offense under this article is a Class C misdemeanor.
10 (Code Crim. Proc., Art. 57A.03.)

11 Art. 58.157. EFFECT ON OTHER LAW. This subchapter does not
12 affect:

13 (1) a victim's responsibility to provide documentation
14 of stalking under Section 92.0161, Property Code; or

15 (2) a person's power or duty to disclose the documented
16 information as provided by Subsection (j) of that section. (Code
17 Crim. Proc., Art. 57A.04.)

18 SUBCHAPTER E. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF
19 VICTIMS OF FAMILY VIOLENCE

20 Art. 58.201. DEFINITION. In this subchapter, "victim"
21 means a person who is the subject of:

22 (1) an offense that allegedly constitutes family
23 violence, as defined by Section 71.004, Family Code; or

24 (2) an offense that is part of the same criminal
25 episode, as defined by Section 3.01, Penal Code, as an offense
26 described by Subdivision (1). (Code Crim. Proc., Art. 57B.01(4).)

27 Art. 58.202. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a)

1 A victim may choose a pseudonym to be used instead of the victim's
2 name to designate the victim in all public files and records
3 concerning the offense, including police summary reports, press
4 releases, and records of judicial proceedings. A victim who elects
5 to use a pseudonym as provided by this subchapter must complete a
6 pseudonym form developed under Subsection (b) and return the form
7 to the law enforcement agency investigating the offense.

8 (b) The office of the attorney general shall develop and
9 distribute to all law enforcement agencies of the state a pseudonym
10 form to record the name, address, telephone number, and pseudonym
11 of a victim. (Code Crim. Proc., Arts. 57B.02(a), (b).)

12 Art. 58.203. VICTIM INFORMATION CONFIDENTIAL. (a) A
13 victim who completes a pseudonym form and returns the form to the
14 law enforcement agency investigating the offense may not be
15 required to disclose the victim's name, address, and telephone
16 number in connection with the investigation or prosecution of the
17 offense.

18 (b) A completed and returned pseudonym form is confidential
19 and may not be disclosed to any person other than a defendant in the
20 case or the defendant's attorney, except on an order of a court.
21 The court finding required by Article 58.204 is not required to
22 disclose the confidential pseudonym form to the defendant in the
23 case or to the defendant's attorney.

24 (c) If a victim completes a pseudonym form and returns the
25 form to a law enforcement agency under Article 58.202(a), the law
26 enforcement agency receiving the form shall:

27 (1) remove the victim's name and substitute the

1 pseudonym for the name on all reports, files, and records in the
2 agency's possession;

3 (2) notify the attorney representing the state of the
4 pseudonym and that the victim has elected to be designated by the
5 pseudonym; and

6 (3) maintain the form in a manner that protects the
7 confidentiality of the information contained on the form.

8 (d) An attorney representing the state who receives notice
9 that a victim has elected to be designated by a pseudonym shall
10 ensure that the victim is designated by the pseudonym in all legal
11 proceedings concerning the offense. (Code Crim. Proc.,
12 Arts. 57B.02(c), (d), (e), (f).)

13 Art. 58.204. COURT-ORDERED DISCLOSURE OF VICTIM
14 INFORMATION. A court may order the disclosure of a victim's name,
15 address, and telephone number only if the court finds that the
16 information is essential in the trial of the defendant for the
17 offense or the identity of the victim is in issue. (Code Crim.
18 Proc., Art. 57B.02(g).)

19 Art. 58.205. DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION
20 PROHIBITED. Except as required or permitted by other law or by
21 court order, a public servant or other person who has access to or
22 obtains the name, address, telephone number, or other identifying
23 information of a victim younger than 17 years of age may not release
24 or disclose the identifying information to any person who is not
25 assisting in the investigation, prosecution, or defense of the
26 case. This article does not apply to the release or disclosure of a
27 victim's identifying information by:

1 (1) the victim; or

2 (2) the victim's parent, conservator, or guardian,
3 unless the victim's parent, conservator, or guardian allegedly
4 committed the offense described by Article 58.201. (Code
5 Crim. Proc., Art. 57B.02(h).)

6 Art. 58.206. OFFENSE. (a) A public servant commits an
7 offense if the public servant:

8 (1) has access to the name, address, or telephone
9 number of a victim 17 years of age or older who has chosen a
10 pseudonym under this subchapter; and

11 (2) knowingly discloses the name, address, or
12 telephone number of the victim to:

13 (A) a person who is not assisting in the
14 investigation or prosecution of the offense; or

15 (B) a person other than:

16 (i) the defendant;

17 (ii) the defendant's attorney; or

18 (iii) the person specified in the order of a
19 court.

20 (b) Unless the disclosure is required or permitted by other
21 law, a public servant or other person commits an offense if the
22 person:

23 (1) has access to or obtains the name, address, or
24 telephone number of a victim younger than 17 years of age; and

25 (2) knowingly discloses the name, address, or
26 telephone number of the victim to:

27 (A) a person who is not assisting in the

1 investigation or prosecution of the offense; or

2 (B) a person other than:

3 (i) the defendant;

4 (ii) the defendant's attorney; or

5 (iii) a person specified in an order of a
6 court.

7 (c) It is an affirmative defense to prosecution under
8 Subsection (b) that the actor is:

9 (1) the victim; or

10 (2) the victim's parent, conservator, or guardian,
11 unless the victim's parent, conservator, or guardian allegedly
12 committed the offense described by Article 58.201.

13 (d) An offense under this article is a Class C misdemeanor.
14 (Code Crim. Proc., Art. 57B.03.)

15 Art. 58.207. APPLICABILITY OF SUBCHAPTER TO DEPARTMENT OF
16 FAMILY AND PROTECTIVE SERVICES. (a) This subchapter does not
17 require the Department of Family and Protective Services to use a
18 pseudonym in a department report, file, or record relating to the
19 abuse, neglect, or exploitation of a child or adult who may also be
20 the subject of an offense described by Article 58.201.

21 (b) To the extent permitted by law, the Department of Family
22 and Protective Services and a department employee, as necessary in
23 performing department duties, may disclose the name of a victim who
24 elects to use a pseudonym under this subchapter. (Code
25 Crim. Proc., Art. 57B.04.)

26 Art. 58.208. APPLICABILITY OF SUBCHAPTER TO POLITICAL
27 SUBDIVISIONS. This subchapter does not require a political

1 subdivision to use a pseudonym in a report, file, or record that:

2 (1) is not intended for distribution to the public; or

3 (2) is not the subject of an open records request under
4 Chapter 552, Government Code. (Code Crim. Proc., Art. 57B.05.)

5 SUBCHAPTER F. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF
6 VICTIMS OF TRAFFICKING OF PERSONS

7 Art. 58.251. DEFINITION. In this subchapter, "victim"
8 means a person who is the subject of:

9 (1) an offense under Section 20A.02, Penal Code; or

10 (2) an offense that is part of the same criminal
11 episode, as defined by Section 3.01, Penal Code, as an offense under
12 Section 20A.02, Penal Code. (Code Crim. Proc., Art. 57D.01(4).)

13 Art. 58.252. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a)
14 A victim may choose a pseudonym to be used instead of the victim's
15 name to designate the victim in all public files and records
16 concerning the offense, including police summary reports, press
17 releases, and records of judicial proceedings. A victim who elects
18 to use a pseudonym as provided by this subchapter must complete a
19 pseudonym form developed under Subsection (b) and return the form
20 to the law enforcement agency investigating the offense.

21 (b) The office of the attorney general shall develop and
22 distribute to all law enforcement agencies of the state a pseudonym
23 form to record the name, address, telephone number, and pseudonym
24 of a victim. (Code Crim. Proc., Arts. 57D.02(a), (b).)

25 Art. 58.253. VICTIM INFORMATION CONFIDENTIAL. (a) A
26 victim who completes a pseudonym form and returns the form to the
27 law enforcement agency investigating the offense may not be

1 required to disclose the victim's name, address, and telephone
2 number in connection with the investigation or prosecution of the
3 offense.

4 (b) A completed and returned pseudonym form is confidential
5 and may not be disclosed to any person other than a defendant in the
6 case or the defendant's attorney, except on an order of a court.
7 The court finding required by Article 58.254 is not required to
8 disclose the confidential pseudonym form to the defendant in the
9 case or to the defendant's attorney.

10 (c) If a victim completes a pseudonym form and returns the
11 form to a law enforcement agency under Article 58.252(a), the law
12 enforcement agency receiving the form shall:

13 (1) remove the victim's name and substitute the
14 pseudonym for the name on all reports, files, and records in the
15 agency's possession;

16 (2) notify the attorney representing the state of the
17 pseudonym and that the victim has elected to be designated by the
18 pseudonym; and

19 (3) maintain the form in a manner that protects the
20 confidentiality of the information contained on the form.

21 (d) An attorney representing the state who receives notice
22 that a victim has elected to be designated by a pseudonym shall
23 ensure that the victim is designated by the pseudonym in all legal
24 proceedings concerning the offense. (Code Crim. Proc.,
25 Arts. 57D.02(c), (d), (e), (f).)

26 Art. 58.254. COURT-ORDERED DISCLOSURE OF VICTIM
27 INFORMATION. A court may order the disclosure of a victim's name,

1 address, and telephone number only if the court finds that the
2 information is essential in the trial of the defendant for the
3 offense or the identity of the victim is in issue. (Code Crim.
4 Proc., Art. 57D.02(g).)

5 Art. 58.255. DISCLOSURE OF CHILD VICTIM INFORMATION
6 PROHIBITED. Except as required or permitted by other law or by
7 court order, a public servant or other person who has access to or
8 obtains the name, address, telephone number, or other identifying
9 information of a victim younger than 18 years of age may not release
10 or disclose the identifying information to any person who is not
11 assisting in the investigation, prosecution, or defense of the
12 case. This article does not apply to the release or disclosure of a
13 victim's identifying information by:

14 (1) the victim; or
15 (2) the victim's parent, conservator, or guardian,
16 unless the victim's parent, conservator, or guardian allegedly
17 committed the offense described by Article 58.251. (Code Crim.
18 Proc., Art. 57D.02(h).)

19 Art. 58.256. OFFENSE. (a) A public servant commits an
20 offense if the public servant:

21 (1) has access to the name, address, or telephone
22 number of a victim 18 years of age or older who has chosen a
23 pseudonym under this subchapter; and

24 (2) knowingly discloses the name, address, or
25 telephone number of the victim to:

26 (A) a person who is not assisting in the
27 investigation or prosecution of the offense; or

1 (B) a person other than:
2 (i) the defendant;
3 (ii) the defendant's attorney; or
4 (iii) the person specified in the order of a
5 court.

6 (b) Unless the disclosure is required or permitted by other
7 law, a public servant or other person commits an offense if the
8 person:

9 (1) has access to or obtains the name, address, or
10 telephone number of a victim younger than 18 years of age; and

11 (2) knowingly discloses the name, address, or
12 telephone number of the victim to:

13 (A) a person who is not assisting in the
14 investigation or prosecution of the offense; or

15 (B) a person other than:
16 (i) the defendant;
17 (ii) the defendant's attorney; or
18 (iii) a person specified in an order of a
19 court.

20 (c) It is an affirmative defense to prosecution under
21 Subsection (b) that the actor is:

22 (1) the victim; or

23 (2) the victim's parent, conservator, or guardian,
24 unless the victim's parent, conservator, or guardian allegedly
25 committed the offense described by Article 58.251.

26 (d) An offense under this article is a Class C misdemeanor.
27 (Code Crim. Proc., Art. 57D.03.)

1 SUBCHAPTER G. SEALING OF MEDICAL RECORDS OF CERTAIN CHILD VICTIMS

2 Art. 58.301. DEFINITIONS. In this subchapter:

3 (1) "Child" means a person who is younger than 18 years
4 of age.

5 (2) "Medical records" means any information used or
6 generated by health care providers, including records relating to
7 emergency room treatment, rehabilitation therapy, or counseling.
8 (Code Crim. Proc., Art. 57C.01.)

9 Art. 58.302. SEALING OF MEDICAL RECORDS. (a) Except as
10 provided by Subsection (c), on a motion filed by a person described
11 by Subsection (b), the court shall seal the medical records of a
12 child who is a victim of an offense described by Section 1, Article
13 38.071.

14 (b) A motion under this article may be filed on the court's
15 own motion or by:

16 (1) the attorney representing the state;

17 (2) the defendant; or

18 (3) the parent or guardian of the victim or, if the
19 victim is no longer a child, the victim.

20 (c) The court is not required to seal the records described
21 by this article on a finding of good cause after a hearing held
22 under Subsection (d).

23 (d) The court shall grant the motion without a hearing
24 unless the motion is contested not later than the seventh day after
25 the date the motion is filed. (Code Crim. Proc., Arts. 57C.02(a),
26 (b), (c), (d).)

27 Art. 58.303. ACCESS TO SEALED MEDICAL RECORDS. Medical

1 records sealed under this subchapter are not open for inspection by
2 any person except:

3 (1) on further order of the court after:

4 (A) notice to a parent or guardian of the victim
5 whose information is sealed or, if the victim is no longer a child,
6 notice to the victim; and

7 (B) a finding of good cause;

8 (2) in connection with a criminal or civil proceeding
9 as otherwise provided by law; or

10 (3) on request of a parent or legal guardian of the
11 victim whose information is sealed or, if the victim is no longer a
12 child, on request of the victim. (Code Crim. Proc., Art.
13 57C.02(e).)

14 Art. 58.304. LIABILITY. Except on a showing of bad faith, a
15 clerk of the court is not liable for any failure to seal medical
16 records after the court grants a motion under this subchapter.
17 (Code Crim. Proc., Art. 57C.02(f).)

18 ARTICLE 2. CONFORMING AMENDMENTS

19 SECTION 2.01. Section 101.005(d), Business & Commerce Code,
20 is amended to read as follows:

21 (d) A penalty collected under this section by the attorney
22 general or a district or county attorney shall be deposited in the
23 state treasury to the credit of the compensation to victims of crime
24 fund established under Subchapter J, Chapter 56B [~~Article 56.54~~],
25 Code of Criminal Procedure.

26 SECTION 2.02. Section 140A.110(c), Civil Practice and
27 Remedies Code, is amended to read as follows:

1 (c) The first \$10 million, after any costs of suit described
2 by Subsection (b), that is paid to the state under this chapter in a
3 fiscal year shall be dedicated to the compensation to victims of
4 crime fund described by Subchapter J, Chapter 56B [~~Article 56.54~~],
5 Code of Criminal Procedure.

6 SECTION 2.03. Section 154.023(c), Civil Practice and
7 Remedies Code, is amended to read as follows:

8 (c) Mediation includes victim-offender mediation by the
9 Texas Department of Criminal Justice described in Article 56A.602
10 [~~56.13~~], Code of Criminal Procedure.

11 SECTION 2.04. Section 154.073(g), Civil Practice and
12 Remedies Code, is amended to read as follows:

13 (g) This section applies to a victim-offender mediation by
14 the Texas Department of Criminal Justice as described in Article
15 56A.602 [~~56.13~~], Code of Criminal Procedure.

16 SECTION 2.05. Article 2.13951(e), Code of Criminal
17 Procedure, is amended to read as follows:

18 (e) A civil penalty collected under this article shall be
19 deposited to the credit of the compensation to victims of crime fund
20 established under Subchapter J [~~B~~], Chapter 56B [~~56~~].

21 SECTION 2.06. Article 2.21(f-1), Code of Criminal
22 Procedure, is amended to read as follows:

23 (f-1) Notwithstanding Section 263.156, Local Government
24 Code, or any other law, the commissioners court shall remit 50
25 percent of any proceeds of the disposal of an eligible exhibit as
26 surplus or salvage property as described by Subsection (f), less
27 the reasonable expense of keeping the exhibit before disposal and

1 the costs of that disposal, to each of the following:

2 (1) the county treasury, to be used only to defray the
3 costs incurred by the district clerk of the county for the
4 management, maintenance, or destruction of eligible exhibits in the
5 county; and

6 (2) the state treasury to the credit of the
7 compensation to victims of crime fund established under Subchapter
8 J [~~B~~], Chapter 56B [~~56~~].

9 SECTION 2.07. Article 2.31, Code of Criminal Procedure, as
10 added by Chapter 176 (S.B. 604), Acts of the 82nd Legislature,
11 Regular Session, 2011, is amended to read as follows:

12 Art. 2.31. COUNTY JAILERS. If a jailer licensed under
13 Chapter 1701, Occupations Code, has successfully completed a
14 training program provided by the sheriff, the jailer may execute
15 lawful process issued to the jailer by any magistrate or court on a
16 person confined in the jail at which the jailer is employed to the
17 same extent that a peace officer is authorized to execute process
18 under Article 2.13(b)(2), including:

- 19 (1) a warrant under Chapter 15, 17, or 18;
20 (2) a capias under Chapter 17 or 23;
21 (3) a subpoena under Chapter 20A [~~20~~] or 24; or
22 (4) an attachment under Chapter 20A [~~20~~] or 24.

23 SECTION 2.08. Article 2.31, Code of Criminal Procedure, as
24 added by Chapter 1341 (S.B. 1233), Acts of the 82nd Legislature,
25 Regular Session, 2011, is amended to read as follows:

26 Art. 2.31. COUNTY JAILERS. A jailer licensed under Chapter
27 1701, Occupations Code, may execute lawful process issued to the

1 jailer by any magistrate or court on a person confined in the jail
2 at which the jailer is employed to the same extent that a peace
3 officer is authorized to execute process under Article 2.13(b)(2),
4 including:

- 5 (1) a warrant under Chapter 15, 17, or 18;
- 6 (2) a capias under Chapter 17 or 23;
- 7 (3) a subpoena under Chapter 20A [~~20~~] or 24; or
- 8 (4) an attachment under Chapter 20A [~~20~~] or 24.

9 SECTION 2.09. Article 26.13(e), Code of Criminal Procedure,
10 is amended to read as follows:

11 (e) Before accepting a plea of guilty or a plea of nolo
12 contendere, the court shall, as applicable in the case:

13 (1) inquire as to whether a victim impact statement
14 has been returned to the attorney representing the state and ask for
15 a copy of the statement if one has been returned; and

16 (2) inquire as to whether the attorney representing
17 the state has given notice of the existence and terms of any plea
18 bargain agreement to the victim, guardian of a victim, or close
19 relative of a deceased victim, as those terms are defined by Article
20 56A.001 [~~56.01~~].

21 SECTION 2.10. Article 36.03(d)(1), Code of Criminal
22 Procedure, is amended to read as follows:

23 (1) "Close relative of a deceased victim" and
24 "guardian of a victim" have the meanings assigned by Article
25 56A.001 [~~56.01~~].

26 SECTION 2.11. Sections 4(c) and (d), Article 38.11, Code of
27 Criminal Procedure, are amended to read as follows:

1 (c) Notwithstanding Subsection (b), if the information,
2 document, or item was disclosed or received in violation of a grand
3 jury oath given to either a juror or a witness under Article 19A.202
4 [~~19.34~~] or 20A.256 [~~20.16~~], a journalist may be compelled to
5 testify if the person seeking the testimony, production, or
6 disclosure makes a clear and specific showing that the subpoenaing
7 party has exhausted reasonable efforts to obtain from alternative
8 sources the confidential source of any information, document, or
9 item obtained. In this context, the court has the discretion to
10 conduct an in camera hearing. The court may not order the
11 production of the confidential source until a ruling has been made
12 on the motion.

13 (d) An application for a subpoena of a journalist under
14 Article 24.03, or a subpoena of a journalist issued by an attorney
15 representing the state under Article 20A.251 [~~20.10~~] or 20A.252
16 [~~20.11~~], must be signed by the elected district attorney, elected
17 criminal district attorney, or elected county attorney, as
18 applicable. If the elected district attorney, elected criminal
19 district attorney, or elected county attorney has been disqualified
20 or recused or has resigned, the application for the subpoena or the
21 subpoena must be signed by the person succeeding the elected
22 attorney. If the elected officer is not in the jurisdiction, the
23 highest ranking assistant to the elected officer must sign the
24 subpoena.

25 SECTION 2.12. Section 11, Article 42.01, Code of Criminal
26 Procedure, is amended to read as follows:

27 Sec. 11. In addition to the information described by

1 Section 1, the judgment should reflect whether a victim impact
2 statement was returned to the attorney representing the state
3 pursuant to Article 56A.157(a) [~~56.03(e)~~].

4 SECTION 2.13. Section 1(b), Article 42.03, Code of Criminal
5 Procedure, is amended to read as follows:

6 (b) The court shall permit a victim, close relative of a
7 deceased victim, or guardian of a victim, as defined by Article
8 56A.001 [~~56.01 of this code~~], to appear in person to present to the
9 court and to the defendant a statement of the person's views about
10 the offense, the defendant, and the effect of the offense on the
11 victim. The victim, relative, or guardian may not direct questions
12 to the defendant while making the statement. The court reporter may
13 not transcribe the statement. The statement must be made:

14 (1) after punishment has been assessed and the court
15 has determined whether or not to grant community supervision in the
16 case;

17 (2) after the court has announced the terms and
18 conditions of the sentence; and

19 (3) after sentence is pronounced.

20 SECTION 2.14. Articles 42.037(a) and (i), Code of Criminal
21 Procedure, are amended to read as follows:

22 (a) In addition to any fine authorized by law, the court
23 that sentences a defendant convicted of an offense may order the
24 defendant to make restitution to any victim of the offense or to the
25 compensation to victims of crime fund established under Subchapter
26 J [~~B~~], Chapter 56B [~~56~~], to the extent that fund has paid
27 compensation to or on behalf of the victim. If the court does not

1 order restitution or orders partial restitution under this
2 subsection, the court shall state on the record the reasons for not
3 making the order or for the limited order.

4 (i) In addition to any other terms and conditions of
5 community supervision imposed under Chapter 42A, the court may
6 require a defendant to reimburse the compensation to victims of
7 crime fund created under Subchapter J [~~B~~], Chapter 56B [~~56~~], for any
8 amounts paid from that fund to or on behalf of a victim of the
9 defendant's offense. In this subsection, "victim" has the meaning
10 assigned by Article 56B.003 [~~56.32~~].

11 SECTION 2.15. Section 8(a), Article 42.09, Code of Criminal
12 Procedure, is amended to read as follows:

13 (a) A county that transfers a defendant to the Texas
14 Department of Criminal Justice under this article shall deliver to
15 an officer designated by the department:

16 (1) a copy of the judgment entered pursuant to Article
17 42.01, completed on a standardized felony judgment form described
18 by Section 4 of that article;

19 (2) a copy of any order revoking community supervision
20 and imposing sentence pursuant to Article 42A.755, including:

21 (A) any amounts owed for restitution, fines, and
22 court costs, completed on a standardized felony judgment form
23 described by Section 4, Article 42.01; and

24 (B) a copy of the client supervision plan
25 prepared for the defendant by the community supervision and
26 corrections department supervising the defendant, if such a plan
27 was prepared;

- 1 (3) a written report that states the nature and the
2 seriousness of each offense and that states the citation to the
3 provision or provisions of the Penal Code or other law under which
4 the defendant was convicted;
- 5 (4) a copy of the victim impact statement, if one has
6 been prepared in the case under Subchapter D, Chapter 56A [~~Article~~
7 ~~56.03~~];
- 8 (5) a statement as to whether there was a change in
9 venue in the case and, if so, the names of the county prosecuting
10 the offense and the county in which the case was tried;
- 11 (6) if requested, information regarding the criminal
12 history of the defendant, including the defendant's state
13 identification number if the number has been issued;
- 14 (7) a copy of the indictment or information for each
15 offense;
- 16 (8) a checklist sent by the department to the county
17 and completed by the county in a manner indicating that the
18 documents required by this subsection and Subsection (c) accompany
19 the defendant;
- 20 (9) if prepared, a copy of a presentence or
21 postsentence report prepared under Subchapter F, Chapter 42A;
- 22 (10) a copy of any detainer, issued by an agency of the
23 federal government, that is in the possession of the county and that
24 has been placed on the defendant;
- 25 (11) if prepared, a copy of the defendant's Texas
26 Uniform Health Status Update Form; and
- 27 (12) a written description of a hold or warrant,

1 issued by any other jurisdiction, that the county is aware of and
2 that has been placed on or issued for the defendant.

3 SECTION 2.16. Section 1(4), Article 42.22, Code of Criminal
4 Procedure, is amended to read as follows:

5 (4) "Victim" means:

6 (A) a "close relative of a deceased victim,"
7 "guardian of a victim," or "victim," as those terms are defined by
8 Article 56A.001 [~~56.01 of this code~~]; or

9 (B) an individual who suffers damages as a result
10 of another committing an offense under Section 38.04, Penal Code,
11 in which the defendant used a motor vehicle while the defendant was
12 in flight.

13 SECTION 2.17. Article 42A.301(b), Code of Criminal
14 Procedure, is amended to read as follows:

15 (b) Conditions of community supervision may include
16 conditions requiring the defendant to:

17 (1) commit no offense against the laws of this state or
18 of any other state or of the United States;

19 (2) avoid injurious or vicious habits;

20 (3) avoid persons or places of disreputable or harmful
21 character, including any person, other than a family member of the
22 defendant, who is an active member of a criminal street gang;

23 (4) report to the supervision officer as directed by
24 the judge or supervision officer and obey all rules and regulations
25 of the community supervision and corrections department;

26 (5) permit the supervision officer to visit the
27 defendant at the defendant's home or elsewhere;

- 1 (6) work faithfully at suitable employment to the
2 extent possible;
- 3 (7) remain within a specified place;
- 4 (8) pay in one or more amounts:
- 5 (A) the defendant's fine, if one is assessed; and
6 (B) all court costs, regardless of whether a fine
7 is assessed;
- 8 (9) support the defendant's dependents;
- 9 (10) participate, for a period specified by the judge,
10 in any community-based program, including a community service
11 project under Article 42A.304;
- 12 (11) if the judge determines that the defendant has
13 financial resources that enable the defendant to offset in part or
14 in whole the costs of the legal services provided to the defendant
15 in accordance with Article 1.051(c) or (d), including any expenses
16 and costs, reimburse the county in which the prosecution was
17 instituted for the costs of the legal services in an amount that the
18 judge finds the defendant is able to pay, except that the defendant
19 may not be ordered to pay an amount that exceeds:
- 20 (A) the actual costs, including any expenses and
21 costs, paid by the county for the legal services provided by an
22 appointed attorney; or
- 23 (B) if the defendant was represented by a public
24 defender's office, the actual amount, including any expenses and
25 costs, that would have otherwise been paid to an appointed attorney
26 had the county not had a public defender's office;
- 27 (12) if under custodial supervision in a community

1 corrections facility:

2 (A) remain under that supervision;

3 (B) obey all rules and regulations of the
4 facility; and

5 (C) pay a percentage of the defendant's income
6 to:

7 (i) the facility for room and board; and

8 (ii) the defendant's dependents for their
9 support during the period of custodial supervision;

10 (13) submit to testing for alcohol or controlled
11 substances;

12 (14) attend counseling sessions for substance abusers
13 or participate in substance abuse treatment services in a program
14 or facility approved or licensed by the Department of State Health
15 Services;

16 (15) with the consent of the victim of a misdemeanor
17 offense or of any offense under Title 7, Penal Code, participate in
18 victim-defendant mediation;

19 (16) submit to electronic monitoring;

20 (17) reimburse the compensation to victims of crime
21 fund for any amounts paid from that fund to or on behalf of a victim,
22 as defined by Article 56B.003 [~~56.32~~], of the offense or if no
23 reimbursement is required, make one payment to the compensation to
24 victims of crime fund in an amount not to exceed \$50 if the offense
25 is a misdemeanor or not to exceed \$100 if the offense is a felony;

26 (18) reimburse a law enforcement agency for the
27 analysis, storage, or disposal of raw materials, controlled

1 substances, chemical precursors, drug paraphernalia, or other
2 materials seized in connection with the offense;

3 (19) pay all or part of the reasonable and necessary
4 costs incurred by the victim for psychological counseling made
5 necessary by the offense or for counseling and education relating
6 to acquired immune deficiency syndrome or human immunodeficiency
7 virus made necessary by the offense;

8 (20) make one payment in an amount not to exceed \$50 to
9 a crime stoppers organization, as defined by Section 414.001,
10 Government Code, and as certified by the Texas Crime Stoppers
11 Council;

12 (21) submit a DNA sample to the Department of Public
13 Safety under Subchapter G, Chapter 411, Government Code, for the
14 purpose of creating a DNA record of the defendant;

15 (22) in any manner required by the judge, provide in
16 the county in which the offense was committed public notice of the
17 offense for which the defendant was placed on community
18 supervision; and

19 (23) reimburse the county in which the prosecution was
20 instituted for compensation paid to any interpreter in the case.

21 SECTION 2.18. Article 46C.003, Code of Criminal Procedure,
22 is amended to read as follows:

23 Art. 46C.003. VICTIM NOTIFICATION OF RELEASE. If the court
24 issues an order that requires the release of an acquitted person on
25 discharge or on a regimen of outpatient care, the clerk of the court
26 issuing the order, using the information provided on any victim
27 impact statement received by the court under Subchapter D, Chapter

1 56A [~~Article 56.03~~] or other information made available to the
2 court, shall notify the victim or the victim's guardian or close
3 relative of the release. Notwithstanding Article 56A.156
4 [~~56.03(f)~~], the clerk of the court may inspect a victim impact
5 statement for the purpose of notification under this article. On
6 request, a victim assistance coordinator may provide the clerk of
7 the court with information or other assistance necessary for the
8 clerk to comply with this article.

9 SECTION 2.19. Article 59.06(k)(3), Code of Criminal
10 Procedure, is amended to read as follows:

11 (3) The attorney general shall deposit the money or
12 proceeds from the sale of the property into an escrow account. The
13 money in the account is available to satisfy a judgment against the
14 person who committed the crime in favor of a victim of the crime if
15 the judgment is for damages incurred by the victim caused by the
16 commission of the crime. The attorney general shall transfer the
17 money in the account that has not been ordered paid to a victim in
18 satisfaction of a judgment to the compensation to victims of crime
19 fund on the fifth anniversary of the date the account was
20 established. In this subsection, "victim" has the meaning assigned
21 by Article 56B.003 [~~56.32~~].

22 SECTION 2.20. Article 59.13(a), Code of Criminal Procedure,
23 is amended to read as follows:

24 (a) The attorney representing the state may disclose
25 information to the primary state or federal financial institution
26 regulator, including grand jury information or otherwise
27 confidential information, relating to any action contemplated or

1 brought under this chapter that involves property consisting of a
2 depository account in a regulated financial institution or assets
3 held by a regulated financial institution as security for an
4 obligation owed to a regulated financial institution. An attorney
5 representing the state who discloses information as permitted by
6 this subsection is not subject to contempt under Subchapter E,
7 Chapter 20A, [Article 20.02] for that disclosure.

8 SECTION 2.21. Article 62.0061(d), Code of Criminal
9 Procedure, is amended to read as follows:

10 (d) A commercial social networking site that uses
11 information received under Subsection (a) in any manner not
12 described by Subsection (c)(1) or that violates a rule adopted by
13 the department under Subsection (b) is subject to a civil penalty of
14 \$1,000 for each misuse of information or rule violation. A
15 commercial social networking site that is assessed a civil penalty
16 under this article shall pay, in addition to the civil penalty, all
17 court costs, investigative costs, and attorney's fees associated
18 with the assessment of the penalty. A civil penalty assessed under
19 this subsection shall be deposited to the compensation to victims
20 of crime fund established under Subchapter J [B], Chapter 56B [56].

21 SECTION 2.22. Article 63.065(b), Code of Criminal
22 Procedure, is amended to read as follows:

23 (b) Notwithstanding Article 56B.453(a) [56.54(g)], the
24 legislature may appropriate money in the compensation to victims of
25 crime fund and the compensation to victims of crime auxiliary fund
26 to fund the University of North Texas Health Science Center at Fort
27 Worth missing persons DNA database. Legislative appropriations

1 under this subsection shall be deposited to the credit of the
2 account created under Subsection (a).

3 SECTION 2.23. Sections 96.65(a)(1), (2), and (4), Education
4 Code, are amended to read as follows:

5 (1) "Close relative of a deceased victim" has the
6 meaning assigned by Article 56A.001 [~~56.01~~], Code of Criminal
7 Procedure.

8 (2) "Guardian of a victim" has the meaning assigned by
9 Article 56A.001 [~~56.01~~], Code of Criminal Procedure.

10 (4) "Victim" has the meaning assigned by Article
11 56A.001 [~~56.01~~], Code of Criminal Procedure.

12 SECTION 2.24. Section 96.651(a)(2), Education Code, is
13 amended to read as follows:

14 (2) "Victim" has the meaning assigned by Article
15 56A.001 [~~56.01~~], Code of Criminal Procedure.

16 SECTION 2.25. Section 13.002(e), Election Code, is amended
17 to read as follows:

18 (e) A person who is certified for participation in the
19 address confidentiality program administered by the attorney
20 general under Subchapter B [~~C~~], Chapter 58 [~~56~~], Code of Criminal
21 Procedure, is not eligible for early voting by mail under Section
22 82.007 unless the person submits an application under this section
23 by personal delivery. The secretary of state may adopt rules to
24 implement this subsection.

25 SECTION 2.26. Section 13.004(c), Election Code, is amended
26 to read as follows:

27 (c) The following information furnished on a registration

1 application is confidential and does not constitute public
2 information for purposes of Chapter 552, Government Code:

3 (1) a social security number;

4 (2) a Texas driver's license number;

5 (3) a number of a personal identification card issued
6 by the Department of Public Safety;

7 (4) an indication that an applicant is interested in
8 working as an election judge;

9 (5) the residence address of the applicant, if the
10 applicant is a federal judge or state judge, as defined by Section
11 13.0021, the spouse of a federal judge or state judge, or an
12 individual to whom Section 552.1175, Government Code, applies and
13 the applicant:

14 (A) included an affidavit with the registration
15 application describing the applicant's status under this
16 subdivision, including an affidavit under Section 13.0021 if the
17 applicant is a federal judge or state judge or the spouse of a
18 federal judge or state judge;

19 (B) provided the registrar with an affidavit
20 describing the applicant's status under this subdivision,
21 including an affidavit under Section 15.0215 if the applicant is a
22 federal judge or state judge or the spouse of a federal judge or
23 state judge; or

24 (C) provided the registrar with a completed form
25 approved by the secretary of state for the purpose of notifying the
26 registrar of the applicant's status under this subdivision;

27 (6) the residence address of the applicant, if the

1 applicant, the applicant's child, or another person in the
2 applicant's household is a victim of family violence as defined by
3 Section 71.004, Family Code, who provided the registrar with:

4 (A) a copy of a protective order issued under
5 Chapter 85, Family Code, or a magistrate's order for emergency
6 protection issued under Article 17.292, Code of Criminal Procedure;
7 or

8 (B) other independent documentary evidence
9 necessary to show that the applicant, the applicant's child, or
10 another person in the applicant's household is a victim of family
11 violence;

12 (7) the residence address of the applicant, if the
13 applicant, the applicant's child, or another person in the
14 applicant's household is a victim of sexual assault or abuse,
15 stalking, or trafficking of persons who provided the registrar
16 with:

17 (A) a copy of a protective order issued under
18 Subchapter A or B, Chapter 7B [~~7A or Article 6.09~~], Code of Criminal
19 Procedure, or a magistrate's order for emergency protection issued
20 under Article 17.292, Code of Criminal Procedure; or

21 (B) other independent documentary evidence
22 necessary to show that the applicant, the applicant's child, or
23 another person in the applicant's household is a victim of sexual
24 assault or abuse, stalking, or trafficking of persons; or

25 (8) the residence address of the applicant, if the
26 applicant:

27 (A) is a participant in the address

1 confidentiality program administered by the attorney general under
2 Subchapter B [€], Chapter 58 [~~56~~], Code of Criminal Procedure; and

3 (B) provided the registrar with proof of
4 certification under Article 58.059 [~~56.84~~], Code of Criminal
5 Procedure.

6 SECTION 2.27. Section 18.0051, Election Code, is amended to
7 read as follows:

8 Sec. 18.0051. CONTENTS OF LIST: SUBSTITUTE ADDRESS. An
9 original or supplemental list of registered voters must contain a
10 voter's substitute post office box address designated by the
11 attorney general under Article 58.052(b) [~~56.82(b)~~], Code of
12 Criminal Procedure, for use by the voter in place of the voter's
13 true residential, business, or school address if the voter is
14 eligible for early voting by mail under Section 82.007 and has
15 submitted an early voting ballot application as required by Section
16 84.0021.

17 SECTION 2.28. Section 82.007, Election Code, is amended to
18 read as follows:

19 Sec. 82.007. PARTICIPATION IN ADDRESS CONFIDENTIALITY
20 PROGRAM. A qualified voter is eligible for early voting by mail if:

21 (1) the voter submitted a registration application by
22 personal delivery as required by Section 13.002(e); and

23 (2) at the time the voter's early voting ballot
24 application is submitted, the voter is certified for participation
25 in the address confidentiality program administered by the attorney
26 general under Subchapter B [€], Chapter 58 [~~56~~], Code of Criminal
27 Procedure.

1 SECTION 2.29. Section 84.0021(a), Election Code, is amended
2 to read as follows:

3 (a) An early voting ballot application submitted by a
4 qualified voter who is eligible for early voting by mail under
5 Section 82.007 must include:

6 (1) the applicant's name and address at which the
7 applicant is registered to vote;

8 (2) the substitute post office box address designated
9 by the attorney general under Article 58.052(b) [~~56.82(b)~~], Code of
10 Criminal Procedure, for use by the voter in place of the voter's
11 true residential, business, or school address; and

12 (3) an indication of each election for which the
13 applicant is applying for a ballot.

14 SECTION 2.30. Section 6.405(a), Family Code, is amended to
15 read as follows:

16 (a) The petition in a suit for dissolution of a marriage
17 must state whether, in regard to a party to the suit or a child of a
18 party to the suit:

19 (1) there is in effect:

20 (A) a protective order under Title 4;

21 (B) a protective order under Subchapter A,
22 Chapter 7B [~~7A~~], Code of Criminal Procedure; or

23 (C) an order for emergency protection under
24 Article 17.292, Code of Criminal Procedure; or

25 (2) an application for an order described by
26 Subdivision (1) is pending.

27 SECTION 2.31. Section 51.17(h), Family Code, is amended to

1 read as follows:

2 (h) Articles 58.001, 58.101, 58.102, 58.103, 58.104,
3 58.105, [57.01] and 58.106 [57.02], Code of Criminal Procedure,
4 relating to the use of a pseudonym by a victim in a criminal case,
5 apply in a proceeding held under this title.

6 SECTION 2.32. Section 57.002, Family Code, is amended to
7 read as follows:

8 Sec. 57.002. VICTIM'S RIGHTS. (a) A victim, guardian of a
9 victim, or close relative of a deceased victim is entitled to the
10 following rights within the juvenile justice system:

11 (1) the right to receive from law enforcement agencies
12 adequate protection from harm and threats of harm arising from
13 cooperation with prosecution efforts;

14 (2) the right to have the court or person appointed by
15 the court take the safety of the victim or the victim's family into
16 consideration as an element in determining whether the child should
17 be detained before the child's conduct is adjudicated;

18 (3) the right, if requested, to be informed of
19 relevant court proceedings, including appellate proceedings, and
20 to be informed in a timely manner if those court proceedings have
21 been canceled or rescheduled;

22 (4) the right to be informed, when requested, by the
23 court or a person appointed by the court concerning the procedures
24 in the juvenile justice system, including general procedures
25 relating to:

26 (A) the preliminary investigation and deferred
27 prosecution of a case; and

1 (B) the appeal of the case;

2 (5) the right to provide pertinent information to a
3 juvenile court conducting a disposition hearing concerning the
4 impact of the offense on the victim and the victim's family by
5 testimony, written statement, or any other manner before the court
6 renders its disposition;

7 (6) the right to receive information regarding
8 compensation to victims as provided by [~~Subchapter B,~~] Chapter 56B
9 [~~56~~], Code of Criminal Procedure, including information related to
10 the costs that may be compensated under that chapter [~~subchapter~~]
11 and the amount of compensation, eligibility for compensation, and
12 procedures for application for compensation under that chapter
13 [~~subchapter~~], the payment of medical expenses under Subchapter F,
14 Chapter 56A [~~Section 56.06~~], Code of Criminal Procedure, for a
15 victim of a sexual assault, and when requested, to referral to
16 available social service agencies that may offer additional
17 assistance;

18 (7) the right to be informed, upon request, of
19 procedures for release under supervision or transfer of the person
20 to the custody of the Texas Department of Criminal Justice for
21 parole, to participate in the release or transfer for parole
22 process, to be notified, if requested, of the person's release,
23 escape, or transfer for parole proceedings concerning the person,
24 to provide to the Texas Juvenile Justice Department for inclusion
25 in the person's file information to be considered by the department
26 before the release under supervision or transfer for parole of the
27 person, and to be notified, if requested, of the person's release or

1 transfer for parole;

2 (8) the right to be provided with a waiting area,
3 separate or secure from other witnesses, including the child
4 alleged to have committed the conduct and relatives of the child,
5 before testifying in any proceeding concerning the child, or, if a
6 separate waiting area is not available, other safeguards should be
7 taken to minimize the victim's contact with the child and the
8 child's relatives and witnesses, before and during court
9 proceedings;

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

14 (10) the right to have the attorney for the state
15 notify the employer of the victim, if requested, of the necessity of
16 the victim's cooperation and testimony in a proceeding that may
17 necessitate the absence of the victim from work for good cause;

18 (11) the right to be present at all public court
19 proceedings related to the conduct of the child as provided by
20 Section 54.08, subject to that section; and

21 (12) any other right appropriate to the victim that a
22 victim of criminal conduct has under Subchapter B, Chapter 56A
23 [~~Article 56.02 or 56.021~~], Code of Criminal Procedure.

24 (b) In notifying a victim of the release or escape of a
25 person, the Texas Juvenile Justice Department shall use the same
26 procedure established for the notification of the release or escape
27 of an adult offender under Subchapter K, Chapter 56A [~~Article~~

1 ~~56.11~~], Code of Criminal Procedure.

2 SECTION 2.33. Section 57.003(d), Family Code, is amended to
3 read as follows:

4 (d) The victim assistance coordinator shall ensure that at a
5 minimum, a victim, guardian of a victim, or close relative of a
6 deceased victim receives:

7 (1) a written notice of the rights outlined in Section
8 57.002;

9 (2) an application for compensation under the Crime
10 Victims' Compensation Act (~~[Subchapter B,]~~ Chapter 56B ~~[56]~~, Code
11 of Criminal Procedure); and

12 (3) a victim impact statement with information
13 explaining the possible use and consideration of the victim impact
14 statement at detention, adjudication, and release proceedings
15 involving the juvenile.

16 SECTION 2.34. Section 57.0031, Family Code, is amended to
17 read as follows:

18 Sec. 57.0031. NOTIFICATION OF RIGHTS OF VICTIMS OF
19 JUVENILES. At the initial contact or at the earliest possible time
20 after the initial contact between the victim of a reported crime and
21 the juvenile probation office having the responsibility for the
22 disposition of the juvenile, the office shall provide the victim a
23 written notice:

24 (1) containing information about the availability of
25 emergency and medical services, if applicable;

26 (2) stating that the victim has the right to receive
27 information regarding compensation to victims of crime as provided

1 by the Crime Victims' Compensation Act (~~[Subchapter B,]~~ Chapter 56B
2 ~~[56]~~, Code of Criminal Procedure), including information about:

3 (A) the costs that may be compensated and the
4 amount of compensation, eligibility for compensation, and
5 procedures for application for compensation;

6 (B) the payment for a medical examination for a
7 victim of a sexual assault; and

8 (C) referral to available social service
9 agencies that may offer additional assistance;

10 (3) stating the name, address, and phone number of the
11 victim assistance coordinator for victims of juveniles;

12 (4) containing the following statement: "You may call
13 the crime victim assistance coordinator for the status of the case
14 and information about victims' rights.";

15 (5) stating the rights of victims of crime under
16 Section 57.002;

17 (6) summarizing each procedural stage in the
18 processing of a juvenile case, including preliminary
19 investigation, detention, informal adjustment of a case,
20 disposition hearings, release proceedings, restitution, and
21 appeals;

22 (7) suggesting steps the victim may take if the victim
23 is subjected to threats or intimidation;

24 (8) stating the case number and assigned court for the
25 case; and

26 (9) stating that the victim has the right to file a
27 victim impact statement and to have it considered in juvenile

1 proceedings.

2 SECTION 2.35. Section 85.025(b-3), Family Code, is amended
3 to read as follows:

4 (b-3) Subsection (b) does not apply to a protective order
5 issued under Subchapter A, Chapter 7B [~~7A~~], Code of Criminal
6 Procedure.

7 SECTION 2.36. Section 102.008(b), Family Code, is amended
8 to read as follows:

9 (b) The petition must include:

10 (1) a statement that the court in which the petition is
11 filed has continuing, exclusive jurisdiction or that no court has
12 continuing jurisdiction of the suit;

13 (2) the name and date of birth of the child, except
14 that if adoption of a child is requested, the name of the child may
15 be omitted;

16 (3) the full name of the petitioner and the
17 petitioner's relationship to the child or the fact that no
18 relationship exists;

19 (4) the names of the parents, except in a suit in which
20 adoption is requested;

21 (5) the name of the managing conservator, if any, or
22 the child's custodian, if any, appointed by order of a court of
23 another state or country;

24 (6) the names of the guardians of the person and estate
25 of the child, if any;

26 (7) the names of possessory conservators or other
27 persons, if any, having possession of or access to the child under

1 an order of the court;

2 (8) the name of an alleged father of the child or a
3 statement that the identity of the father of the child is unknown;

4 (9) a full description and statement of value of all
5 property owned or possessed by the child;

6 (10) a statement describing what action the court is
7 requested to take concerning the child and the statutory grounds on
8 which the request is made;

9 (11) a statement as to whether, in regard to a party to
10 the suit or a child of a party to the suit:

11 (A) there is in effect:

12 (i) a protective order under Title 4;

13 (ii) a protective order under Subchapter A,
14 Chapter 7B [~~7A~~], Code of Criminal Procedure; or

15 (iii) an order for emergency protection
16 under Article 17.292, Code of Criminal Procedure; or

17 (B) an application for an order described by
18 Paragraph (A) is pending; and

19 (12) any other information required by this title.

20 SECTION 2.37. Section 160.6035(a), Family Code, is amended
21 to read as follows:

22 (a) The petition in a proceeding to adjudicate parentage
23 must include a statement as to whether, in regard to a party to the
24 proceeding or a child of a party to the proceeding:

25 (1) there is in effect:

26 (A) a protective order under Title 4;

27 (B) a protective order under Subchapter A,

1 Chapter 7B [~~7A~~], Code of Criminal Procedure; or

2 (C) an order for emergency protection under
3 Article 17.292, Code of Criminal Procedure; or

4 (2) an application for an order described by
5 Subdivision (1) is pending.

6 SECTION 2.38. Section 41.310(c), Government Code, is
7 amended to read as follows:

8 (c) The counsellor, in consultation with the board of
9 directors, shall notify the foreperson [~~foreman~~] of the appropriate
10 grand jury, in the manner provided by Article 20A.051 [~~20.09~~], Code
11 of Criminal Procedure, if:

12 (1) the counsellor receives credible evidence of
13 illegal or improper conduct by Texas Juvenile Justice Department
14 officers, employees, or contractors that the counsellor reasonably
15 believes jeopardizes the health, safety, and welfare of children in
16 the custody of that department;

17 (2) the counsellor reasonably believes the conduct:

18 (A) could constitute an offense described by
19 Article 104.003(a), Code of Criminal Procedure; and

20 (B) involves the alleged physical or sexual abuse
21 of a child in the custody of a Texas Juvenile Justice Department
22 facility or an investigation related to the alleged abuse; and

23 (3) the counsellor has reason to believe that
24 information concerning the conduct has not previously been
25 presented to the appropriate grand jury.

26 SECTION 2.39. Section 53.002(g), Government Code, is
27 amended to read as follows:

1 (g) The judge of each district court in Tarrant County that
2 gives preference to criminal cases and the judge of each criminal
3 district court in Tarrant County may appoint two persons to serve as
4 bailiffs. Notwithstanding Section 53.071 or Article 19A.301
5 [~~19.36~~], Code of Criminal Procedure, the district judges of the
6 courts in Tarrant County that give preference to criminal cases and
7 the criminal district courts in Tarrant County may appoint one
8 bailiff for each grand jury.

9 SECTION 2.40. Section 61.003(a), Government Code, is
10 amended to read as follows:

11 (a) Each person who reports for jury service shall be
12 personally provided a form letter that when signed by the person
13 directs the county treasurer to donate all, or a specific amount
14 designated by the person, of the person's daily reimbursement under
15 this chapter to:

16 (1) the compensation to victims of crime fund
17 established under Subchapter J [~~B~~], Chapter 56B [~~56~~], Code of
18 Criminal Procedure;

19 (2) the child welfare, child protective services, or
20 child services board of the county appointed under Section 264.005,
21 Family Code, that serves abused and neglected children;

22 (3) any program selected by the commissioners court
23 that is operated by a public or private nonprofit organization and
24 that provides shelter and services to victims of family violence;

25 (4) any other program approved by the commissioners
26 court of the county, including a program established under Article
27 56A.205 [~~56.04(f)~~], Code of Criminal Procedure, that offers

1 psychological counseling in criminal cases involving graphic
2 evidence or testimony; or

3 (5) a veterans court program established by the
4 commissioners court as provided by Chapter 124.

5 SECTION 2.41. Section 76.016, Government Code, is amended
6 to read as follows:

7 Sec. 76.016. VICTIM NOTIFICATION. (a) A department, using
8 the name and address provided by the attorney representing the
9 state under Article 56A.454(b) [~~56.08(d)~~], Code of Criminal
10 Procedure, shall immediately notify a victim of the defendant's
11 crime or, if the victim has a guardian or is deceased, notify the
12 guardian of the victim or close relative of the deceased victim of:

13 (1) the fact that the defendant has been placed on
14 community supervision;

15 (2) the conditions of community supervision imposed on
16 the defendant by the court; and

17 (3) the date, time, and location of any hearing or
18 proceeding at which the conditions of the defendant's community
19 supervision may be modified or the defendant's placement on
20 community supervision may be revoked or terminated.

21 (b) In this section, "close relative of a deceased victim,"
22 "guardian of a victim," and "victim" have the meanings assigned by
23 Article 56A.001 [~~56.01~~], Code of Criminal Procedure.

24 SECTION 2.42. Section 402.0213(a), Government Code, is
25 amended to read as follows:

26 (a) The office of the attorney general may use
27 videoconferencing technology:

1 (1) as a substitute for personal appearances in civil
2 and criminal proceedings, as approved by the court; and

3 (2) for any proceeding, conference, or training
4 conducted by an employee of the office of the attorney general whose
5 duties include the implementation of Chapters 56A and 56B and
6 Subchapter B, Chapter 58 [56], Code of Criminal Procedure, and
7 Chapter 57, Family Code.

8 SECTION 2.43. Section 402.038(b), Government Code, is
9 amended to read as follows:

10 (b) To address matters related to border security and
11 organized crime, the transnational and organized crime division
12 shall:

13 (1) establish within the division a prosecution unit
14 to provide critical assistance to local prosecutors;

15 (2) using existing funds, establish within the
16 division a trafficking of persons unit to:

17 (A) assist local law enforcement agencies and
18 local prosecutors in investigating and prosecuting trafficking of
19 persons and related crimes; and

20 (B) work with the appropriate local and state
21 agencies to identify victims of trafficking of persons and to
22 provide the types of assistance available for those victims under
23 Chapters 56A and 56B and Subchapter B, Chapter 58 [56], Code of
24 Criminal Procedure; and

25 (3) develop initiatives to provide greater state
26 assistance, support, and coordination among state law enforcement
27 agencies, local law enforcement agencies, and local prosecutors.

1 SECTION 2.44. Section 411.209(e), Government Code, is
2 amended to read as follows:

3 (e) A civil penalty collected by the attorney general under
4 this section shall be deposited to the credit of the compensation to
5 victims of crime fund established under Subchapter J [~~B~~], Chapter
6 56B [~~56~~], Code of Criminal Procedure.

7 SECTION 2.45. Section 420.051, Government Code, is amended
8 to read as follows:

9 Sec. 420.051. ADVOCATES FOR SURVIVORS OF SEXUAL
10 ASSAULT. An individual may act as an advocate for survivors of
11 sexual assault for the purposes of Subchapter H, Chapter 56A
12 [~~Article 56.045~~], Code of Criminal Procedure, if the individual has
13 completed a sexual assault training program certified by the
14 attorney general and is an employee or volunteer of a sexual assault
15 program.

16 SECTION 2.46. Section 495.027(c), Government Code, is
17 amended to read as follows:

18 (c) The department shall transfer 50 percent of all
19 commissions paid to the department by a vendor under this section to
20 the compensation to victims of crime fund established by Subchapter
21 J [~~B~~], Chapter 56B [~~56~~], Code of Criminal Procedure, and the other
22 50 percent to the credit of the undedicated portion of the general
23 revenue fund, except that the department shall transfer the first
24 \$10 million of the commissions collected in any given year under a
25 contract awarded under this section to the compensation to victims
26 of crime fund established by Subchapter J [~~B~~], Chapter 56B [~~56~~],
27 Code of Criminal Procedure. This section does not reduce any

1 appropriation to the department.

2 SECTION 2.47. Section 501.174, Government Code, is amended
3 to read as follows:

4 Sec. 501.174. DEPARTMENT TO ADOPT POLICY. The department
5 shall adopt a policy providing for:

6 (1) a designated administrator at each correctional
7 facility to post information throughout the facility describing how
8 an inmate may confidentially contact the ombudsperson regarding a
9 sexual assault;

10 (2) an inmate to write a confidential letter to the
11 ombudsperson regarding a sexual assault;

12 (3) employees at correctional facilities, on
13 notification of the occurrence of a sexual assault, to immediately:

14 (A) contact the ombudsperson and the office of
15 the inspector general; and

16 (B) ensure that the alleged victim is safe;

17 (4) the office of the inspector general, at the time
18 the office is notified of the sexual assault, to arrange for a
19 medical examination of the alleged victim to be conducted in
20 accordance with Subchapter F, Chapter 56A [~~Article 56.06~~], Code of
21 Criminal Procedure, or, if an appropriate employee of the office of
22 the inspector general is not available at the time the office is
23 notified of the sexual assault, a qualified employee at the
24 correctional facility to conduct a medical examination of the
25 alleged victim in accordance with that subchapter [~~Article 56.06,~~
26 ~~Code of Criminal Procedure~~];

27 (5) a grievance proceeding under Section 501.008 based

1 on an alleged sexual assault to be exempt from any deadline
2 applicable to grievances initiated under that section; and

3 (6) each correctional facility to collect statistics
4 on all alleged sexual assaults against inmates confined in the
5 facility and to report the statistics to the ombudsperson.

6 SECTION 2.48. Section 508.191(c), Government Code, is
7 amended to read as follows:

8 (c) In this section, "victim" has the meaning assigned by
9 Article 56A.001 [~~56.01(3)~~], Code of Criminal Procedure.

10 SECTION 2.49. Sections 552.132(a), (c), and (d), Government
11 Code, are amended to read as follows:

12 (a) Except as provided by Subsection (d), in this section,
13 "crime victim or claimant" means a victim or claimant under
14 [~~Subchapter B,~~] Chapter 56B [~~56~~], Code of Criminal Procedure, who
15 has filed an application for compensation under that chapter
16 [~~subchapter~~].

17 (c) If the crime victim or claimant is awarded compensation
18 under Article 56B.103 or 56B.104 [~~Section 56.34~~], Code of Criminal
19 Procedure, as of the date of the award of compensation, the name of
20 the crime victim or claimant and the amount of compensation awarded
21 to that crime victim or claimant are public information and are not
22 excepted from the requirements of Section 552.021.

23 (d) An employee of a governmental body who is also a victim
24 under [~~Subchapter B,~~] Chapter 56B [~~56~~], Code of Criminal Procedure,
25 regardless of whether the employee has filed an application for
26 compensation under that chapter [~~subchapter~~], may elect whether to
27 allow public access to information held by the attorney general's

1 office or other governmental body that would identify or tend to
2 identify the victim, including a photograph or other visual
3 representation of the victim. An election under this subsection
4 must be made in writing on a form developed by the governmental
5 body, be signed by the employee, and be filed with the governmental
6 body before the third anniversary of the latest to occur of one of
7 the following:

8 (1) the date the crime was committed;

9 (2) the date employment begins; or

10 (3) the date the governmental body develops the form
11 and provides it to employees.

12 SECTION 2.50. Sections 552.1325(a)(1) and (2), Government
13 Code, are amended to read as follows:

14 (1) "Crime victim" means a person who is a victim as
15 defined by Article 56B.003 [~~56.32~~], Code of Criminal Procedure.

16 (2) "Victim impact statement" means a victim impact
17 statement under Subchapter D, Chapter 56A [~~Article 56.03~~], Code of
18 Criminal Procedure.

19 SECTION 2.51. Section 752.056(d), Government Code, is
20 amended to read as follows:

21 (d) A civil penalty collected under this section shall be
22 deposited to the credit of the compensation to victims of crime fund
23 established under Subchapter J [~~B~~], Chapter 56B [~~56~~], Code of
24 Criminal Procedure.

25 SECTION 2.52. Section 2009.053(a), Government Code, is
26 amended to read as follows:

27 (a) A governmental body may appoint a governmental officer

1 or employee or a private individual to serve as an impartial third
2 party in an alternative dispute resolution procedure. The
3 governmental body's appointment of the impartial third party is
4 subject to the approval of the parties, except:

5 (1) that when a State Office of Administrative
6 Hearings administrative law judge has issued an order referring a
7 case involving a state agency to an alternative dispute resolution
8 procedure under Section 2003.042(a)(5), the administrative law
9 judge may appoint the impartial third party for the parties if they
10 cannot agree on an impartial third party within a reasonable
11 period; or

12 (2) for a victim-offender mediation by the Texas
13 Department of Criminal Justice as described in Article 56A.602
14 [~~56.13~~], Code of Criminal Procedure.

15 SECTION 2.53. Section 181.059, Health and Safety Code, is
16 amended to read as follows:

17 Sec. 181.059. CRIME VICTIM COMPENSATION. This chapter does
18 not apply to any person or entity in connection with providing,
19 administering, supporting, or coordinating any of the benefits
20 regarding compensation to victims of crime as provided by
21 [~~Subchapter B,~~] Chapter 56B [~~56~~], Code of Criminal Procedure.

22 SECTION 2.54. Section 323.004(b), Health and Safety Code,
23 is amended to read as follows:

24 (b) A health care facility providing care to a sexual
25 assault survivor shall provide the survivor with:

26 (1) subject to Subsection (b-1), a forensic medical
27 examination in accordance with Subchapter B, Chapter 420,

1 Government Code, if the examination has been requested by a law
2 enforcement agency under Subchapter F, Chapter 56A [~~Article 56.06~~],
3 Code of Criminal Procedure, or is conducted under Subchapter G,
4 Chapter 56A [~~Article 56.065~~], Code of Criminal Procedure;

5 (2) a private area, if available, to wait or speak with
6 the appropriate medical, legal, or sexual assault crisis center
7 staff or volunteer until a physician, nurse, or physician assistant
8 is able to treat the survivor;

9 (3) access to a sexual assault program advocate, if
10 available, as provided by Subchapter H, Chapter 56A [~~Article~~
11 ~~56.045~~], Code of Criminal Procedure;

12 (4) the information form required by Section 323.005;

13 (5) a private treatment room, if available;

14 (6) if indicated by the history of contact, access to
15 appropriate prophylaxis for exposure to sexually transmitted
16 infections; and

17 (7) the name and telephone number of the nearest
18 sexual assault crisis center.

19 SECTION 2.55. Section 323.005(a), Health and Safety Code,
20 is amended to read as follows:

21 (a) The department shall develop a standard information
22 form for sexual assault survivors that must include:

23 (1) a detailed explanation of the forensic medical
24 examination required to be provided by law, including a statement
25 that photographs may be taken of the genitalia;

26 (2) information regarding treatment of sexually
27 transmitted infections and pregnancy, including:

- 1 (A) generally accepted medical procedures;
2 (B) appropriate medications; and
3 (C) any contraindications of the medications
4 prescribed for treating sexually transmitted infections and
5 preventing pregnancy;
- 6 (3) information regarding drug-facilitated sexual
7 assault, including the necessity for an immediate urine test for
8 sexual assault survivors who may have been involuntarily drugged;
- 9 (4) information regarding crime victims compensation,
10 including:
- 11 (A) a statement that:
- 12 (i) a law enforcement agency will pay for
13 the forensic portion of an examination requested by the agency
14 under Subchapter F, Chapter 56A [~~Article 56.06~~], Code of Criminal
15 Procedure, and for the evidence collection kit; or
- 16 (ii) the Department of Public Safety will
17 pay the appropriate fees for the forensic portion of an examination
18 conducted under Subchapter G, Chapter 56A [~~Article 56.065~~], Code of
19 Criminal Procedure, and for the evidence collection kit; and
- 20 (B) reimbursement information for the medical
21 portion of the examination;
- 22 (5) an explanation that consent for the forensic
23 medical examination may be withdrawn at any time during the
24 examination;
- 25 (6) the name and telephone number of sexual assault
26 crisis centers statewide; and
- 27 (7) information regarding postexposure prophylaxis

1 for HIV infection.

2 SECTION 2.56. Section 241.007(e), Human Resources Code, is
3 amended to read as follows:

4 (e) The chief inspector general of the office of inspector
5 general, at the direction of the board of directors of the special
6 prosecution unit, shall notify the foreperson [~~foreman~~] of the
7 appropriate grand jury, in the manner provided by Article 20A.051
8 [~~20.09~~], Code of Criminal Procedure, if:

9 (1) the chief inspector general receives credible
10 evidence of illegal or improper conduct by department officers,
11 employees, or contractors that the inspector general reasonably
12 believes jeopardizes the health, safety, and welfare of children in
13 the custody of the department;

14 (2) the chief inspector general reasonably believes
15 the conduct:

16 (A) could constitute an offense under Article
17 104.003(a), Code of Criminal Procedure; and

18 (B) involves the alleged physical or sexual abuse
19 of a child in the custody of a department facility or an
20 investigation related to the alleged abuse; and

21 (3) the chief inspector general has reason to believe
22 that information concerning the conduct has not previously been
23 presented to the appropriate grand jury.

24 SECTION 2.57. Section 1701.253(b), Occupations Code, is
25 amended to read as follows:

26 (b) In establishing requirements under this section, the
27 commission shall require courses and programs to provide training

1 in:

2 (1) the investigation and documentation of cases that
3 involve:

4 (A) child abuse or neglect;

5 (B) family violence; and

6 (C) sexual assault;

7 (2) issues concerning sex offender characteristics;
8 and

9 (3) crime victims' rights under Chapter 56A [~~56~~], Code
10 of Criminal Procedure, and Chapter 57, Family Code, and the duty of
11 law enforcement agencies to ensure that a victim is afforded those
12 rights.

13 SECTION 2.58. Section 25.07(a), Penal Code, is amended to
14 read as follows:

15 (a) A person commits an offense if, in violation of a
16 condition of bond set in a family violence, sexual assault or abuse,
17 stalking, or trafficking case and related to the safety of a victim
18 or the safety of the community, an order issued under Subchapter A,
19 Chapter 7B [~~7A~~], Code of Criminal Procedure, an order issued under
20 Article 17.292, Code of Criminal Procedure, an order issued under
21 Section 6.504, Family Code, Chapter 83, Family Code, if the
22 temporary ex parte order has been served on the person, Chapter 85,
23 Family Code, or Subchapter F, Chapter 261, Family Code, or an order
24 issued by another jurisdiction as provided by Chapter 88, Family
25 Code, the person knowingly or intentionally:

26 (1) commits family violence or an act in furtherance
27 of an offense under Section 20A.02, 22.011, 22.021, or 42.072;

1 (2) communicates:

2 (A) directly with a protected individual or a
3 member of the family or household in a threatening or harassing
4 manner;

5 (B) a threat through any person to a protected
6 individual or a member of the family or household; or

7 (C) in any manner with the protected individual
8 or a member of the family or household except through the person's
9 attorney or a person appointed by the court, if the violation is of
10 an order described by this subsection and the order prohibits any
11 communication with a protected individual or a member of the family
12 or household;

13 (3) goes to or near any of the following places as
14 specifically described in the order or condition of bond:

15 (A) the residence or place of employment or
16 business of a protected individual or a member of the family or
17 household; or

18 (B) any child care facility, residence, or school
19 where a child protected by the order or condition of bond normally
20 resides or attends;

21 (4) possesses a firearm;

22 (5) harms, threatens, or interferes with the care,
23 custody, or control of a pet, companion animal, or assistance
24 animal that is possessed by a person protected by the order or
25 condition of bond; or

26 (6) removes, attempts to remove, or otherwise tampers
27 with the normal functioning of a global positioning monitoring

1 system.

2 SECTION 2.59. Section 25.071(a), Penal Code, is amended to
3 read as follows:

4 (a) A person commits an offense if, in violation of an order
5 issued under Subchapter C, Chapter 7B [~~Article 6.08~~], Code of
6 Criminal Procedure, the person knowingly or intentionally:

7 (1) commits an offense under Title 5 or Section 28.02,
8 28.03, or 28.08 and commits the offense because of bias or prejudice
9 as described by Article 42.014, Code of Criminal Procedure;

10 (2) communicates:

11 (A) directly with a protected individual in a
12 threatening or harassing manner;

13 (B) a threat through any person to a protected
14 individual; or

15 (C) in any manner with the protected individual,
16 if the order prohibits any communication with a protected
17 individual; or

18 (3) goes to or near the residence or place of
19 employment or business of a protected individual.

20 SECTION 2.60. Section 46.04(c), Penal Code, is amended to
21 read as follows:

22 (c) A person, other than a peace officer, as defined by
23 Section 1.07, actively engaged in employment as a sworn, full-time
24 paid employee of a state agency or political subdivision, who is
25 subject to an order issued under Section 6.504 or Chapter 85, Family
26 Code, under Article 17.292 or Subchapter A, Chapter 7B [~~7A~~], Code of
27 Criminal Procedure, or by another jurisdiction as provided by

1 Chapter 88, Family Code, commits an offense if the person possesses
2 a firearm after receiving notice of the order and before expiration
3 of the order.

4 SECTION 2.61. Section 77.051(a), Property Code, is amended
5 to read as follows:

6 (a) Notwithstanding the confidentiality provisions of
7 Subchapters C, D, E, and F, Chapter 58 [~~Chapters 57, 57A, 57B, and~~
8 ~~57D~~], Code of Criminal Procedure, each holder who on March 1 holds
9 an unclaimed restitution payment that is presumed abandoned under
10 Section 76.013 or 508.322, Government Code, shall file a property
11 report with the comptroller on or before the following July 1. The
12 comptroller may prescribe the form to be used for the report
13 required by this section and may require the report to be filed
14 electronically.

15 SECTION 2.62. Section 77.252(a), Property Code, is amended
16 to read as follows:

17 (a) Except as provided by Subsection (b) and Chapter 56B
18 [~~56~~], Code of Criminal Procedure, money in the compensation to
19 victims of crime auxiliary fund may only be used to pay claims as
20 provided by this chapter and is not available for any other
21 purpose. Section 403.095, Government Code, does not apply to the
22 fund.

23 SECTION 2.63. Sections 92.0161(c) and (c-1), Property Code,
24 are amended to read as follows:

25 (c) If the tenant is a victim or a parent or guardian of a
26 victim of sexual assault under Section 22.011, Penal Code,
27 aggravated sexual assault under Section 22.021, Penal Code,

1 indecency with a child under Section 21.11, Penal Code, sexual
2 performance by a child under Section 43.25, Penal Code, continuous
3 sexual abuse of a child under Section 21.02, Penal Code, or an
4 attempt to commit any of the foregoing offenses under Section
5 15.01, Penal Code, that takes place during the preceding six-month
6 period on the premises or at any dwelling on the premises, the
7 tenant shall provide to the landlord or the landlord's agent a copy
8 of:

9 (1) documentation of the assault or abuse, or
10 attempted assault or abuse, of the victim from a licensed health
11 care services provider who examined the victim;

12 (2) documentation of the assault or abuse, or
13 attempted assault or abuse, of the victim from a licensed mental
14 health services provider who examined or evaluated the victim;

15 (3) documentation of the assault or abuse, or
16 attempted assault or abuse, of the victim from an individual
17 authorized under Chapter 420, Government Code, who provided
18 services to the victim; or

19 (4) documentation of a protective order issued under
20 Subchapter A, Chapter 7B [~~7A~~], Code of Criminal Procedure, except
21 for a temporary ex parte order.

22 (c-1) If the tenant is a victim or a parent or guardian of a
23 victim of stalking under Section 42.072, Penal Code, that takes
24 place during the preceding six-month period on the premises or at
25 any dwelling on the premises, the tenant shall provide to the
26 landlord or the landlord's agent a copy of:

27 (1) documentation of a protective order issued under

1 Subchapter A or B, Chapter 7B [~~7A or Article 6.09~~], Code of Criminal
2 Procedure, except for a temporary ex parte order; or

3 (2) documentation of the stalking from a provider of
4 services described by Subsection (c)(1), (2), or (3) and:

5 (A) a law enforcement incident report or, if a
6 law enforcement incident report is unavailable, another record
7 maintained in the ordinary course of business by a law enforcement
8 agency; and

9 (B) if the report or record described by
10 Paragraph (A) identifies the victim by means of a pseudonym, as
11 defined by Article 58.001 [~~57A.01~~], Code of Criminal Procedure, a
12 copy of a pseudonym form completed and returned under Article
13 58.152(a) [~~57A.02~~] of that code.

14 SECTION 2.64. Section 11.43(j), Tax Code, is amended to
15 read as follows:

16 (j) In addition to the items required by Subsection (f), an
17 application for a residence homestead exemption prescribed by the
18 comptroller and authorized by Section 11.13 must:

19 (1) list each owner of the residence homestead and the
20 interest of each owner;

21 (2) state that the applicant does not claim an
22 exemption under that section on another residence homestead in this
23 state or claim a residence homestead exemption on a residence
24 homestead outside this state;

25 (3) state that each fact contained in the application
26 is true;

27 (4) include a copy of the applicant's driver's license

1 or state-issued personal identification certificate unless the
2 applicant:

3 (A) is a resident of a facility that provides
4 services related to health, infirmity, or aging; or

5 (B) is certified for participation in the address
6 confidentiality program administered by the attorney general under
7 Subchapter B [€], Chapter 58 [~~56~~], Code of Criminal Procedure;

8 (5) state that the applicant has read and understands
9 the notice of the penalties required by Subsection (f); and

10 (6) be signed by the applicant.

11 SECTION 2.65. Section 25.025(a), Tax Code, as amended by
12 Chapters 34 (S.B. 1576), 41 (S.B. 256), 193 (S.B. 510), 1006 (H.B.
13 1278), and 1145 (H.B. 457), Acts of the 85th Legislature, Regular
14 Session, 2017, is reenacted and amended to read as follows:

15 (a) This section applies only to:

16 (1) a current or former peace officer as defined by
17 Article 2.12, Code of Criminal Procedure, and the spouse or
18 surviving spouse of the peace officer;

19 (2) the adult child of a current peace officer as
20 defined by Article 2.12, Code of Criminal Procedure;

21 (3) a county jailer as defined by Section 1701.001,
22 Occupations Code;

23 (4) an employee of the Texas Department of Criminal
24 Justice;

25 (5) a commissioned security officer as defined by
26 Section 1702.002, Occupations Code;

27 (6) an individual who shows that the individual, the

1 individual's child, or another person in the individual's household
2 is a victim of family violence as defined by Section 71.004, Family
3 Code, by providing:

4 (A) a copy of a protective order issued under
5 Chapter 85, Family Code, or a magistrate's order for emergency
6 protection issued under Article 17.292, Code of Criminal Procedure;
7 or

8 (B) other independent documentary evidence
9 necessary to show that the individual, the individual's child, or
10 another person in the individual's household is a victim of family
11 violence;

12 (7) [~~6~~] an individual who shows that the individual,
13 the individual's child, or another person in the individual's
14 household is a victim of sexual assault or abuse, stalking, or
15 trafficking of persons by providing:

16 (A) a copy of a protective order issued under
17 Subchapter A or B, Chapter 7B [~~7A or Article 6.09~~], Code of Criminal
18 Procedure, or a magistrate's order for emergency protection issued
19 under Article 17.292, Code of Criminal Procedure; or

20 (B) other independent documentary evidence
21 necessary to show that the individual, the individual's child, or
22 another person in the individual's household is a victim of sexual
23 assault or abuse, stalking, or trafficking of persons;

24 (8) [~~7~~] a participant in the address
25 confidentiality program administered by the attorney general under
26 Subchapter B [~~C~~], Chapter 58 [~~56~~], Code of Criminal Procedure, who
27 provides proof of certification under Article 58.059 [~~56.84~~], Code

1 of Criminal Procedure;

2 (9) [~~(8)~~] a federal judge, a state judge, or the
3 spouse of a federal judge or state judge;

4 (10) a current or former district attorney, criminal
5 district attorney, or county or municipal attorney whose
6 jurisdiction includes any criminal law or child protective services
7 matters;

8 (11) [~~(9)~~] a current or former employee of a district
9 attorney, criminal district attorney, or county or municipal
10 attorney whose jurisdiction includes any criminal law or child
11 protective services matters;

12 (12) [~~(10)~~] an officer or employee of a community
13 supervision and corrections department established under Chapter
14 76, Government Code, who performs a duty described by Section
15 76.004(b) of that code;

16 (13) [~~(11)~~] a criminal investigator of the United
17 States as described by Article 2.122(a), Code of Criminal
18 Procedure;

19 (14) [~~(12)~~] a police officer or inspector of the
20 United States Federal Protective Service;

21 (15) [~~(13)~~] a current or former United States attorney
22 or assistant United States attorney and the spouse and child of the
23 attorney;

24 (16) [~~(14)~~] a current or former employee of the office
25 of the attorney general who is or was assigned to a division of that
26 office the duties of which involve law enforcement;

27 (17) [~~(15)~~] a medical examiner or person who performs

1 forensic analysis or testing who is employed by this state or one or
2 more political subdivisions of this state;

3 (18) [~~(16)~~] a current or former member of the United
4 States armed forces who has served in an area that the president of
5 the United States by executive order designates for purposes of 26
6 U.S.C. Section 112 as an area in which armed forces of the United
7 States are or have engaged in combat;

8 (19) [~~(17)~~] a current or former employee of the Texas
9 Juvenile Justice Department or of the predecessors in function of
10 the department;

11 (20) [~~(18)~~] a current or former juvenile probation or
12 supervision officer certified by the Texas Juvenile Justice
13 Department, or the predecessors in function of the department,
14 under Title 12, Human Resources Code;

15 (21) [~~(19)~~] a current or former employee of a juvenile
16 justice program or facility, as those terms are defined by Section
17 261.405, Family Code; ~~and~~

18 (22) [~~(18)~~] a current or former employee of the Texas
19 Civil Commitment Office or the predecessor in function of the
20 office or a division of the office; and

21 (23) [~~(18)~~] a current or former employee of a federal
22 judge or state judge.

23 ARTICLE 3. REPEALER

24 SECTION 3.01. The following provisions of the Code of
25 Criminal Procedure are repealed:

26 (1) Articles 6.08 and 6.09; and

27 (2) Chapters 7A, 19, 20, 54, 56, 57, 57A, 57B, 57C, and

1 57D.

2 ARTICLE 4. GENERAL MATTERS

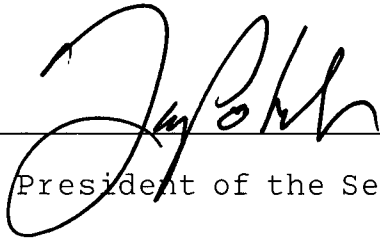
3 SECTION 4.01. This Act is enacted under Section 43, Article
4 III, Texas Constitution. This Act is intended as a codification
5 only, and no substantive change in the law is intended by this Act.

6 SECTION 4.02. (a) Chapter 311, Government Code (Code
7 Construction Act), applies to the construction of each provision in
8 the Code of Criminal Procedure that is enacted under Section 43,
9 Article III, Texas Constitution (authorizing the continuing
10 statutory revision program), in the same manner as to a code enacted
11 under the continuing statutory revision program, except as
12 otherwise expressly provided by the Code of Criminal Procedure.


13 (b) A reference in a law to a statute or a part of a statute
14 in the Code of Criminal Procedure enacted under Section 43, Article
15 III, Texas Constitution (authorizing the continuing statutory
16 revision program), is considered to be a reference to the part of
17 that code that revises that statute or part of that statute.

18 SECTION 4.03. This Act takes effect January 1, 2021.

H.B. No. 4173



President of the Senate



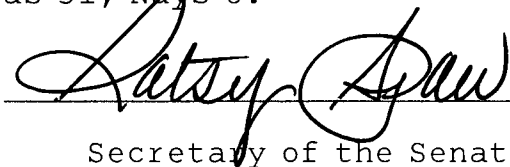
Speaker of the House

I certify that H.B. No. 4173 was passed by the House on April 26, 2019, by the following vote: Yeas 139, Nays 0, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 4173 was passed by the Senate on May 21, 2019, by the following vote: Yeas 31, Nays 0.



Secretary of the Senate

APPROVED: _____

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

5:00 pm O'CLOCK

JUN 07 2019


Secretary of State