

## CHAPTER 929

## H.B. No. 1552

## AN ACT

relating to information provided to crime victims and certain other persons about victims' rights and the criminal justice system and to the imposition of costs on conviction of certain municipal ordinances and the deposit of those costs into the compensation to victims of crime fund.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subsections (a) and (c), Article 56.02, Code of Criminal Procedure, are amended to read as follows:

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

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

(2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;

(3) the right, if requested, to be informed of relevant court proceedings and to be informed if those court proceedings have been canceled or rescheduled prior to the event;

(4) the right to be informed, when requested, by a peace officer concerning the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements;

(5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;

(6) the right to receive information regarding compensation to victims of crime as provided by the Crime Victims Compensation Act (Article 8309-1, Vernon's Texas Civil Statutes), *including information related to the costs that may be compensated under that Act and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that Act*, the payment of medical expenses under Section 1, Chapter 299, Acts of the 63rd Legislature, Regular Session, 1973 (Article 4447m, Vernon's Texas Civil Statutes), for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance; and

(7) the right to be *informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, [and] to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this Act, and to be notified, if requested, of the defendant's release.*

(c) The district attorney's office shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by Subsection (a) of this article *and, on request, an explanation of those rights.*

SECTION 2. Subsections (a) and (c), Article 56.03, Code of Criminal Procedure, are amended to read as follows:

(a) The Texas *Crime Victim Clearinghouse* [~~Adult Probation Commission~~], with the participation of the *Texas Adult Probation Commission and the Board of Pardons and Paroles*, shall develop a form to be used by law enforcement agencies, prosecutors, and other participants in the criminal justice system to record the impact of an offense on a victim of the offense, guardian of a victim, or a close relative of a deceased victim and to provide the agencies, prosecutors, and participants with information needed to contact the victim, guardian, or relative if needed at any stage of a prosecution of a person charged with the offense. *The Texas Crime Victim Clearinghouse, with the participation of*

*the Texas Adult Probation Commission and the Board of Pardons and Paroles, shall also develop a victims' information booklet that provides a general explanation of the criminal justice system to victims of an offense, guardians of victims, and relatives of deceased victims.*

(c) The victim assistance coordinator, or if a victim assistance coordinator does not serve the county or judicial district in which the offense occurred, the attorney for the state prosecuting the defendant, shall send to a victim, guardian of a victim, or close relative of a deceased victim a victim impact statement, an acknowledgment of receipt of the victim impact statement, a victims' information booklet, and an application for compensation under the Crime Victims Compensation Act (Article 8309-1, Vernon's Texas Civil Statutes), along with an offer to assist in completing those forms on request [to a victim, guardian, or close relative of a deceased victim]. The victim assistance coordinator or attorney for the state shall request the recipient to sign and return the acknowledgment to the victim assistance coordinator or attorney for the state and, on request, shall explain the possible use and consideration of the victim impact statement at a trial and future parole hearing of the offender.

SECTION 3. Article 56.03, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h) *Not later than December 1 of each odd-numbered year, the Texas Crime Victim Clearinghouse, with the participation of the Texas Adult Probation Commission and the Board of Pardons and Paroles, shall update the victim impact statement form and any other information provided by the commission to victims, guardians of victims, and relatives of deceased victims, if necessary, to reflect changes in law relating to criminal justice and the rights of victims and guardians and relatives of victims.*

SECTION 4. Section 14, Crime Victims Compensation Act (Article 8309-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. FUNDS. (a) The Compensation to Victims of Crime Fund is created in the State Treasury to be used by the board for the payment of compensation to claimants under this Act and other expenses in administering this Act. The Compensation to Victims of Crime Auxiliary Fund is created in the State Treasury to be used by the board only for the payment of compensation to claimants under this Act. The board shall make no compensation payments which exceed the amount of money in the combined funds. No general revenues may be used for payments under this Act.

(b) A person shall pay \$20 as a court cost on conviction of any felony, \$15 as a court cost on conviction of a violation of a municipal ordinance punishable by a fine of more than \$200 or on conviction of a misdemeanor punishable by imprisonment or by a fine of more than \$200, and \$3 as a court cost on conviction of a violation of a municipal ordinance punishable by a fine of not more than \$200 or [ ] on conviction of a misdemeanor punishable by a fine of not more than \$200, other than a conviction of a misdemeanor offense or a violation of a municipal ordinance relating to [that regulates] pedestrians and the parking of motor vehicles. The court shall assess and make a reasonable effort to collect the cost due under this section whether or not any other court cost is assessed or collected. The court shall require a person convicted of an offense listed under this section to pay the court cost whether or not the court grants the person a probated sentence. If a person is granted deferred adjudication under Article 42.12[, 42.13,] or 45.54, Code of Criminal Procedure[, 1965, as amended], at the time the court grants deferred adjudication, the person shall pay as a court cost the amount that the person would have otherwise been required to pay under this subsection had the adjudication not been deferred and had the person been finally convicted of the offense.

(c) Court costs under this section are collected in the same manner as other fines or costs.

(d) The officer collecting the costs in a municipal court case shall keep separate records of the funds collected as costs under this section and shall deposit the funds in the municipal treasury. The officer collecting the costs in a justice, county, or district court case shall keep separate records of the funds collected as costs under this section and shall deposit the funds in the county treasury.

~~[(e) On receipt, the custodian of a municipal or county treasury may deposit the funds collected under this section in interest bearing accounts. The custodian shall keep records of the amount of funds on deposit collected under this section and shall remit to the comptroller of public accounts before the 10th day of each month the funds collected under this section during the preceding month. The city and the county may retain five percent of the funds collected under this section as a collection fee. The city or county may also retain all interest accrued on the funds.]~~

(e) The custodian of a municipal or county treasury shall keep records of the amount of funds on deposit collected under this section and shall remit to the comptroller of public accounts before the last day of each calendar quarter the funds collected under this section during the preceding quarter. The city and the county may retain 10 percent of the funds collected under this section as a collection fee. If no funds due as costs under this section have been collected in a quarter, the report required for the quarter shall be filed in the regular manner, and the report must state that no funds due under this section were collected.

(f) The comptroller of public accounts shall deposit the funds received by him or her under this section in the Compensation to Victims of Crime Fund. Funds collected are subject to audit by the comptroller and funds expended are subject to audit by the State Auditor.

(g) The board shall establish a policy to adjust awards and payments so that the total amount of awards granted in each calendar year does not exceed the amount of money deposited in the fund during that year.

(h)(1) If the board has reason to believe that a court has not been assessing and/or has not been making a reasonable effort to collect the costs due under this section, the board shall issue a letter of warning to the court or to the governing body of the governmental unit in which the court is located.

(2) The court or governing body shall respond in writing to the board within 60 days, making specific references to the charges contained in the letter of warning.

(3) If no response is made or if the board deems the response inadequate, the board may request the comptroller of public accounts to audit the records of the court, the records of the officer charged with collecting the cost, or the treasury of the governmental unit in which the court is located.

(4) The comptroller will provide the board with the results of said audit.

(5) Using the results of said audit and any other evidence available, the board may find that a court is not assessing and/or is not making a reasonable effort to collect costs due under this section.

(6) The board, upon making such a finding may refuse to make any awards under this Act to residents of the jurisdiction served by the court and/or notify the State Commission on Judicial Conduct of its findings.

(7) The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

SECTION 5. (a) The change in law made by this Act applies only to the costs imposed for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) Costs imposed for an offense committed before the effective date of this Act are covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. This Act takes effect September 1, 1987.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

**Ch. 929, § 7**

**70th LEGISLATURE—REGULAR SESSION**

Passed by the House on May 5, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1552 on May 26, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 22, 1987, by a viva-voce vote.

Approved June 20, 1987.

Effective Sept. 1, 1987.