

## CHAPTER 169

## S.B. No. 1021

## AN ACT

relating to the compensation under the Crime Victims Compensation Act for certain persons if the victim is younger than 17 years of age.

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

SECTION 1. Section 3, Crime Victims Compensation Act (Article 8309-1, Vernon's Texas Civil Statutes), is amended by amending Subdivision (9) and adding Subdivisions (12) and (13) to read as follows:

(9) "Victim" means:

(A) a person who is a Texas resident or a resident of another state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any possession or territory of the United States who is in this state at the time of the crime and who suffers personal injury or death as a result of criminally injurious conduct;

(B) an intervenor;

(C) a dependent of a deceased victim; ~~and~~

(D) in the event of a death, a person who legally assumes the obligation or who voluntarily pays the medical or burial expenses incurred as a direct result of the crime;

(E) *an immediate family member of a victim who is a child, if the immediate family member, as a direct result of the crime, requires psychological or psychiatric counselling.*

(12) "Child" means a person who is younger than 17 years of age.

(13) "Immediate family member" means a person who is the father, mother, sister, brother, daughter, son, or spouse of a victim and who resided in the same household as the victim at the time that the criminally injurious conduct occurred.

SECTION 2. Subsections (b) and (c), Section 4, Crime Victims Compensation Act (Article 8309-1, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) *Except as otherwise provided by this subsection, a [No] claimant may not file an application unless the victim reports the crime to the appropriate state or local public safety or law enforcement agency within 72 hours after the crime is committed. The board may extend the time for filing if the board determines that the extension [or within a longer period that] is justified by extraordinary circumstances. The requirement that a victim report the crime within 72 hours does not apply if the victim is a child [as determined by the board].*

(c) *Except as otherwise provided by this subsection, a [A] claimant must file an application not later than one year after the date of the crime. The [~~except that the~~] board may extend the time for filing for good cause shown by the claimant. The requirement that a claimant file an application within one year of the crime does not apply to a claimant if the claimant is a child who is the victim, or if the claimant is an immediate family member of a child who is the victim, and the immediate family member, as the direct result of the crime, requires psychological or psychiatric counselling. If a claimant presents medically documented evidence of a physical incapacity that was incurred by the claimant as a result of the criminally injurious conduct and that reasonably prevented the claimant from filing the application within the limitations period, the period of the incapacity is not included in the limitations period.*

**Ch. 169, § 3**

**70th LEGISLATURE—REGULAR SESSION**

SECTION 3. (a) Except as provided by Subsection (b) of this section, the change in law made by this Act applies to a claim based on criminally injurious conduct that occurs on or after January 1, 1980.

(b) If as a direct result of criminally injurious conduct a child or an immediate family member of a child requires psychological or psychiatric counselling, the child or family member is entitled to compensation under this Act only if the criminally injurious conduct occurs on or after September 1, 1985.

SECTION 4. This Act takes effect September 1, 1987.

SECTION 5. 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.

Passed the Senate on April 13, 1987, by a viva-voce vote. Passed the House on May 14, 1987, by a non-record vote.

Approved May 25, 1987.

Effective Sept. 1, 1987.