

CHAPTER 433

S.B. No. 1300

AN ACT

relating to the rights of crime victims, the use of the victim impact statement, and reports concerning victim impact statements.

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

SECTION 1. Subsection (a), Article 56.02, Code of Criminal Procedure, is amended to read as follows:

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

- (1) the right to receive from 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), 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 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;
- (8) *the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;*
- (9) *the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose; and*

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause.

SECTION 2. Subsection (e), Article 56.03, Code of Criminal Procedure, is amended to read as follows:

(e) Prior to the imposition of a sentence by the court in a criminal case, the court, if it has received a victim impact statement, shall consider the information provided in the statement. Before sentencing the defendant, the court shall permit the defendant or his counsel a reasonable time to read the statement, comment on the statement, and, with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the statement. *If the court sentences the defendant to a term of probation, the court shall forward any victim's impact statement received in the case to the probation department supervising the defendant, along with the papers in the case.*

SECTION 3. Subsection (b), Section 4, Chapter 588, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

(b) The Texas Crime Victim Clearinghouse shall prepare and submit to the legislature during the *71st* [70th] Regular Session a copy of findings developed from the survey required under Article 56.05, Code of Criminal Procedure[~~1965~~].

SECTION 4. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 13, 1987, by the following vote: Yeas 30, Nays 0. Passed the House on May 29, 1987, by a non-record vote.

Approved June 17, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.