

1-1 By: Zaffirini S.B. No. 49  
1-2 (In the Senate - Filed November 14, 2022; February 15, 2023,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 11, 2023, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 11, 2023,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Flores	X		
1-11	Bettencourt	X		
1-12	Hinojosa	X		
1-13	Huffman	X		
1-14	King	X		
1-15	Miles	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 49 By: Whitmire

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

1-19 relating to crime victims' compensation.  
1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-21 SECTION 1. Articles [56B.003](#)(2), (6), (7), and (10), Code of  
1-22 Criminal Procedure, are amended to read as follows:  
1-23 (2) "Claimant" means any of the following individuals,  
1-24 other than a service provider, who is entitled to file or has filed  
1-25 a claim for compensation under this chapter:  
1-26 (A) an authorized individual acting on behalf of  
1-27 a victim;  
1-28 (B) an individual who legally assumes the  
1-29 obligation or who voluntarily pays medical or burial expenses of a  
1-30 victim incurred as a result of the criminally injurious conduct of  
1-31 another;  
1-32 (C) a dependent of a victim who died as a result  
1-33 of the criminally injurious conduct;  
1-34 (D) a ~~an immediate~~ family member or ~~a~~  
1-35 household member of a victim who, as a result of the criminally  
1-36 injurious conduct:  
1-37 (i) requires psychiatric care or  
1-38 counseling;  
1-39 (ii) incurs expenses for traveling to and  
1-40 attending a deceased victim's funeral; or  
1-41 (iii) suffers wage loss from bereavement  
1-42 leave taken in connection with the death of the victim; or  
1-43 (E) an authorized individual acting on behalf of  
1-44 a child described by Paragraph (C) or (D).  
1-45 (6) "Family violence" has the meaning assigned by  
1-46 Section [71.004](#) [~~71.004(1)~~], Family Code.  
1-47 (7) "Household member" means an individual who ~~+~~  
1-48 ~~[(A) is related by consanguinity or affinity to~~  
1-49 ~~the victim; and~~  
1-50 ~~[(B)]~~ resided in the same permanent household as  
1-51 the victim at the time that the criminally injurious conduct  
1-52 occurred.  
1-53 (10) "Pecuniary loss" means the amount of the expense  
1-54 reasonably and necessarily incurred as a result of personal injury  
1-55 or death for:  
1-56 (A) medical, hospital, nursing, or psychiatric  
1-57 care or counseling, or physical therapy;  
1-58 (B) actual loss of past earnings and anticipated  
1-59 loss of future earnings and necessary travel expenses because of:  
1-60 (i) a disability resulting from the

2-1 personal injury;

2-2 (ii) the receipt of medically indicated

2-3 services related to the disability; or

2-4 (iii) participation in or attendance at

2-5 investigative, prosecutorial, or judicial processes or any

2-6 postconviction or postadjudication proceeding relating to

2-7 criminally injurious conduct;

2-8 (C) care of a child or dependent, including

2-9 specialized care for a child who is a victim;

2-10 (D) funeral and burial expenses, including, for a

2-11 ~~[an immediate]~~ family member or ~~[a]~~ household member of the victim,

2-12 the necessary expenses of traveling to and attending the funeral;

2-13 (E) loss of support to a dependent, consistent

2-14 with Article 56B.057(b)(5);

2-15 (F) reasonable and necessary costs of cleaning

2-16 the crime scene;

2-17 (G) reasonable replacement costs for clothing,

2-18 bedding, or property of the victim seized as evidence or rendered

2-19 unusable as a result of the criminal investigation;

2-20 (H) reasonable and necessary costs for

2-21 relocation and housing rental assistance payments as provided by

2-22 Articles [Article] 56B.106(c) and (c-1);

2-23 (I) for a ~~[an immediate]~~ family member or ~~[a]~~

2-24 household member of a deceased victim, bereavement leave ~~[of not~~

2-25 ~~more than 10 work days]~~; and

2-26 (J) reasonable and necessary costs of traveling

2-27 to and from a place of execution to witness the execution, including

2-28 ~~[one night's]~~ lodging near the place where the execution is

2-29 conducted.

2-30 SECTION 2. Subdivision (8), Article 56B.003, Code of

2-31 Criminal Procedure, is redesignated as Subdivision (5-a), Article

2-32 56B.003, Code of Criminal Procedure, and amended to read as

2-33 follows:

2-34 (5-a) "Family ~~[(8) "Immediate family]~~ member" means an

2-35 individual who is related to a victim ~~[within the second degree]~~ by

2-36 consanguinity or affinity.

2-37 SECTION 3. Article 56B.057(d), Code of Criminal Procedure,

2-38 is amended to read as follows:

2-39 (d) Except as provided by rules adopted by the attorney

2-40 general to prevent the unjust enrichment of an offender, the

2-41 attorney general may not deny an award otherwise payable to a

2-42 claimant or victim because the claimant or victim:

2-43 (1) is a ~~[an immediate]~~ family member of the offender;

2-44 or

2-45 (2) resides in the same household as the offender.

2-46 SECTION 4. Article 56B.106, Code of Criminal Procedure, is

2-47 amended by amending Subsections (c) and (d) and adding Subsections

2-48 (c-1), (c-2), and (c-3) to read as follows:

2-49 (c) A victim of stalking, family violence, or trafficking of

2-50 persons, a victim of sexual assault who is assaulted in the victim's

2-51 place of residence, or a child who is a victim of a murder attempt in

2-52 the child's place of residence may receive compensation for the

2-53 following expenses [a one-time assistance payment in an amount not

2-54 to exceed]:

2-55 (1) ~~[\$2,000 to be used for]~~ relocation expenses,

2-56 including expenses for rental deposit, utility connections,

2-57 expenses relating to moving belongings, motor vehicle mileage

2-58 expenses, temporary or emergency lodging, and for an out-of-state

2-59 move, expenses for transportation, lodging, and meals; and

2-60 (2) ~~[\$1,800 to be used for]~~ housing rental expenses.

2-61 (c-1) A victim other than a victim described by Subsection

2-62 (c), a dependent of any victim, a family member of any victim if

2-63 that family member has previously resided with the victim for a

2-64 period of not less than two years, or a household member of any

2-65 victim may receive compensation for the following expenses, if the

2-66 expenses are necessary to protect the health or safety of the

2-67 victim, dependent, or family or household member:

2-68 (1) relocation expenses, including expenses for

2-69 rental deposit, utility connections, expenses relating to moving

3-1 belongings, motor vehicle mileage expenses, temporary or emergency  
3-2 lodging, and for an out-of-state move, expenses for transportation,  
3-3 lodging, and meals; and

3-4 (2) housing rental expenses.

3-5 (c-2) Unless the attorney general determines that there is  
3-6 an extraordinary health or safety need for compensation to be made  
3-7 to more than two households, the attorney general may, for each  
3-8 application based on criminally injurious conduct giving rise to  
3-9 the need for relocation or housing rental expenses, award  
3-10 compensation for relocation or housing rental expenses under  
3-11 Subsection (c) or (c-1) to the households of no more than:

3-12 (1) one victim and one claimant; or

3-13 (2) two claimants, if the victim is deceased.

3-14 (c-3) A victim or claimant may not receive more than \$5,000  
3-15 in the aggregate for relocation expenses and housing rental  
3-16 expenses under Subsection (c) or (c-1).

3-17 (d) A [An immediate] family member or household member of a  
3-18 deceased victim may not receive more than \$3,333 [~~\$1,000~~] in lost  
3-19 wages as a result of bereavement leave taken by the family or  
3-20 household member.

3-21 SECTION 5. The change in law made by this Act applies only  
3-22 to compensation for criminally injurious conduct occurring on or  
3-23 after the effective date of this Act. Compensation for criminally  
3-24 injurious conduct occurring before the effective date of this Act  
3-25 is governed by the law in effect on the date the conduct occurred,  
3-26 and the former law is continued in effect for that purpose. For  
3-27 purposes of this section, criminally injurious conduct occurred  
3-28 before the effective date of this Act if any element of the offense  
3-29 underlying the conduct occurred before that date.

3-30 SECTION 6. This Act takes effect September 1, 2023.

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