

1-1 By: Miles S.B. No. 2101  
1-2 (In the Senate - Filed March 9, 2023; March 21, 2023, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 17, 2023, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 17, 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. 2101 By: Flores

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

1-19 relating to certain notifications related to the rights of crime  
1-20 victims.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 56A.051(a), Code of Criminal Procedure,  
1-23 is amended to read as follows:

1-24 (a) A victim, guardian of a victim, or close relative of a  
1-25 deceased victim is entitled to the following rights within the  
1-26 criminal justice system:

1-27 (1) the right to receive from a law enforcement agency  
1-28 adequate protection from harm and threats of harm arising from  
1-29 cooperation with prosecution efforts;

1-30 (2) the right to have the magistrate consider the  
1-31 safety of the victim or the victim's family in setting the amount of  
1-32 bail for the defendant;

1-33 (3) if requested, the right to be informed in the  
1-34 manner provided by Article 56A.0525:

1-35 (A) by the attorney representing the state of  
1-36 relevant court proceedings, including appellate proceedings, and  
1-37 to be informed if those proceedings have been canceled or  
1-38 rescheduled before the event; and

1-39 (B) by an appellate court of the court's  
1-40 decisions, after the decisions are entered but before the decisions  
1-41 are made public;

1-42 (4) when requested, the right to be informed in the  
1-43 manner provided by Article 56A.0525:

1-44 (A) by a peace officer concerning the defendant's  
1-45 right to bail and the procedures in criminal investigations; and

1-46 (B) by the office of the attorney representing  
1-47 the state concerning the general procedures in the criminal justice  
1-48 system, including general procedures in guilty plea negotiations  
1-49 and arrangements, restitution, and the appeals and parole process;

1-50 (5) the right to provide pertinent information to a  
1-51 community supervision and corrections department conducting a  
1-52 presentencing investigation concerning the impact of the offense on  
1-53 the victim and the victim's family by testimony, written statement,  
1-54 or any other manner before any sentencing of the defendant;

1-55 (6) the right to receive information, in the manner  
1-56 provided by Article 56A.0525, regarding compensation to victims of  
1-57 crime as provided by Chapter 56B, including information related to  
1-58 the costs that may be compensated under that chapter and the amount  
1-59 of compensation, eligibility for compensation, and procedures for  
1-60 application for compensation under that chapter, the payment for a

2-1 forensic medical examination under Article 56A.252 for a victim of  
2-2 an alleged sexual assault, and when requested, to referral to  
2-3 available social service agencies that may offer additional  
2-4 assistance;

2-5 (7) the right to:  
2-6 (A) be informed, on request, and in the manner  
2-7 provided by Article 56A.0525, of parole procedures;

2-8 (B) participate in the parole process;

2-9 (C) provide to the board for inclusion in the  
2-10 defendant's file information to be considered by the board before  
2-11 the parole of any defendant convicted of any offense subject to this  
2-12 chapter; and

2-13 (D) be notified in the manner provided by Article  
2-14 56A.0525, if requested, of parole proceedings concerning a  
2-15 defendant in the victim's case and of the defendant's release;

2-16 (8) the right to be provided with a waiting area,  
2-17 separate or secure from other witnesses, including the defendant  
2-18 and relatives of the defendant, before testifying in any proceeding  
2-19 concerning the defendant; if a separate waiting area is not  
2-20 available, other safeguards should be taken to minimize the  
2-21 victim's contact with the defendant and the defendant's relatives  
2-22 and witnesses, before and during court proceedings;

2-23 (9) the right to the prompt return of any of the  
2-24 victim's property that is held by a law enforcement agency or the  
2-25 attorney representing the state as evidence when the property is no  
2-26 longer required for that purpose;

2-27 (10) the right to have the attorney representing the  
2-28 state notify the victim's employer, if requested, that the victim's  
2-29 cooperation and testimony is necessary in a proceeding that may  
2-30 require the victim to be absent from work for good cause;

2-31 (11) the right to request victim-offender mediation  
2-32 coordinated by the victim services division of the department;

2-33 (12) the right to be informed, in the manner provided  
2-34 by Article 56A.0525, of the uses of a victim impact statement and  
2-35 the statement's purpose in the criminal justice system as described  
2-36 by Subchapter D, to complete the victim impact statement, and to  
2-37 have the victim impact statement considered:

2-38 (A) by the attorney representing the state and  
2-39 the judge before sentencing or before a plea bargain agreement is  
2-40 accepted; and

2-41 (B) by the board before a defendant is released  
2-42 on parole;

2-43 (13) for a victim of an assault or sexual assault who  
2-44 is younger than 17 years of age or whose case involves family  
2-45 violence, as defined by Section 71.004, Family Code, the right to  
2-46 have the court consider the impact on the victim of a continuance  
2-47 requested by the defendant; if requested by the attorney  
2-48 representing the state or by the defendant's attorney, the court  
2-49 shall state on the record the reason for granting or denying the  
2-50 continuance; and

2-51 (14) if the offense is a capital felony, the right to:

2-52 (A) receive by mail from the court a written  
2-53 explanation of defense-initiated victim outreach if the court has  
2-54 authorized expenditures for a defense-initiated victim outreach  
2-55 specialist;

2-56 (B) not be contacted by the victim outreach  
2-57 specialist unless the victim, guardian, or relative has consented  
2-58 to the contact by providing a written notice to the court; and

2-59 (C) designate a victim service provider to  
2-60 receive all communications from a victim outreach specialist acting  
2-61 on behalf of any person.

2-62 SECTION 2. Articles 56A.052(a), (b), (d), and (e), Code of  
2-63 Criminal Procedure, are amended to read as follows:

2-64 (a) If the offense is a sexual assault, a victim, guardian  
2-65 of a victim, or close relative of a deceased victim is entitled to  
2-66 the following rights within the criminal justice system:

2-67 (1) if requested, the right to a disclosure of  
2-68 information, in the manner provided by Article 56A.0525, regarding:

2-69 (A) any evidence that was collected during the

3-1 investigation of the offense, unless disclosing the information  
3-2 would interfere with the investigation or prosecution of the  
3-3 offense, in which event the victim, guardian, or relative shall be  
3-4 informed of the estimated date on which that information is  
3-5 expected to be disclosed; and

3-6 (B) the status of any analysis being performed of  
3-7 any evidence described by Paragraph (A);

3-8 (2) if requested, the right to be notified in the  
3-9 manner provided by Article 56A.0525:

3-10 (A) at the time a request is submitted to a crime  
3-11 laboratory to process and analyze any evidence that was collected  
3-12 during the investigation of the offense;

3-13 (B) at the time of the submission of a request to  
3-14 compare any biological evidence collected during the investigation  
3-15 of the offense with DNA profiles maintained in a state or federal  
3-16 DNA database; and

3-17 (C) of the results of the comparison described by  
3-18 Paragraph (B), unless disclosing the results would interfere with  
3-19 the investigation or prosecution of the offense, in which event the  
3-20 victim, guardian, or relative shall be informed of the estimated  
3-21 date on which those results are expected to be disclosed;

3-22 (3) if requested, the right to counseling regarding  
3-23 acquired immune deficiency syndrome (AIDS) and human  
3-24 immunodeficiency virus (HIV) infection; and

3-25 (4) for the victim, the right to:

3-26 (A) testing for acquired immune deficiency  
3-27 syndrome (AIDS), human immunodeficiency virus (HIV) infection,  
3-28 antibodies to HIV, or infection with any other probable causative  
3-29 agent of AIDS; and

3-30 (B) a forensic medical examination to the extent  
3-31 provided by Subchapters F and G if, within 120 hours of the offense:

3-32 (i) the offense is reported to a law  
3-33 enforcement agency; or

3-34 (ii) a forensic medical examination is  
3-35 otherwise conducted at a health care provider.

3-36 (b) A victim, guardian of a victim, or close relative of a  
3-37 deceased victim who requests to be notified under Subsection (a)(2)  
3-38 must provide a current address and phone number to the attorney  
3-39 representing the state and the law enforcement agency that is  
3-40 investigating the offense. The victim, guardian, or relative must  
3-41 inform the attorney representing the state and the law enforcement  
3-42 agency of any change in the address or phone number. The victim,  
3-43 guardian, or relative must provide an e-mail address and update any  
3-44 change in that e-mail address if the victim, guardian, or relative  
3-45 chooses to receive notifications by e-mail.

3-46 (d) This subsection applies only to a victim of an offense  
3-47 under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021,  
3-48 42.072, or 43.05, Penal Code. A victim described by this  
3-49 subsection or a parent or guardian of the victim, if the victim is  
3-50 younger than 18 years of age or an adult ward, is entitled to the  
3-51 following rights within the criminal justice system:

3-52 (1) the right to be informed in the manner provided by  
3-53 Article 56A.0525:

3-54 (A) that the victim or, if the victim is younger  
3-55 than 18 years of age or an adult ward, the victim's parent or  
3-56 guardian or another adult acting on the victim's behalf may file an  
3-57 application for a protective order under Article 7B.001;

3-58 (B) of the court in which the application for a  
3-59 protective order may be filed;

3-60 (C) that, on request of the victim or, if the  
3-61 victim is younger than 18 years of age or an adult ward, on request  
3-62 of the victim's parent or guardian or another adult acting on the  
3-63 victim's behalf, the attorney representing the state may, subject  
3-64 to the Texas Disciplinary Rules of Professional Conduct, file the  
3-65 application for a protective order on behalf of the requestor; and

3-66 (D) that, subject to the Texas Disciplinary Rules  
3-67 of Professional Conduct, the attorney representing the state  
3-68 generally is required to file the application for a protective  
3-69 order with respect to the victim if the defendant is convicted of or

4-1 placed on deferred adjudication community supervision for the  
4-2 offense;

4-3 (2) the right to:

4-4 (A) request that the attorney representing the  
4-5 state, subject to the Texas Disciplinary Rules of Professional  
4-6 Conduct, file an application for a protective order described by  
4-7 Subdivision (1); and

4-8 (B) be notified in the manner provided by Article  
4-9 56A.0525 when the attorney representing the state files an  
4-10 application for a protective order under Article 7B.001;

4-11 (3) if the victim or the victim's parent or guardian,  
4-12 as applicable, is present when the defendant is convicted or placed  
4-13 on deferred adjudication community supervision, the right to:

4-14 (A) be given by the court the information  
4-15 described by Subdivision (1), in the manner provided by Article  
4-16 56A.0525; and

4-17 (B) file an application for a protective order  
4-18 under Article 7B.001 immediately following the defendant's  
4-19 conviction or placement on deferred adjudication community  
4-20 supervision if the court has jurisdiction over the application; and

4-21 (4) if the victim or the victim's parent or guardian,  
4-22 as applicable, is not present when the defendant is convicted or  
4-23 placed on deferred adjudication community supervision, the right to  
4-24 be given by the attorney representing the state the information  
4-25 described by Subdivision (1), in the manner provided by Article  
4-26 56A.0525.

4-27 (e) A victim of an offense under Section 20A.02, 20A.03, or  
4-28 43.05, Penal Code, is entitled to be informed, in the manner  
4-29 provided by Article 56A.0525, that the victim may petition for an  
4-30 order of nondisclosure of criminal history record information under  
4-31 Section 411.0728, Government Code, if the victim:

4-32 (1) has been convicted of or placed on deferred  
4-33 adjudication community supervision for an offense described by  
4-34 Subsection (a)(1) of that section; and

4-35 (2) committed that offense solely as a victim of an  
4-36 offense under Section 20A.02, 20A.03, or 43.05, Penal Code.

4-37 SECTION 3. Subchapter B, Chapter 56A, Code of Criminal  
4-38 Procedure, is amended by adding Article 56A.0525 to read as  
4-39 follows:

4-40 Art. 56A.0525. AUTHORIZED FORM OF NOTIFICATIONS. For  
4-41 purposes of this subchapter, a judge, attorney representing the  
4-42 state, peace officer, or law enforcement agency that is required to  
4-43 notify, inform, or disclose information to a victim, guardian of a  
4-44 victim, or close relative of a deceased victim in accordance with a  
4-45 right granted under this subchapter shall provide the notification  
4-46 or information in the following manner:

4-47 (1) electronically, including by text message,  
4-48 videoconference, or e-mail;

4-49 (2) by mail;

4-50 (3) through an anonymous, online portal; or

4-51 (4) by contacting by telephone or otherwise making  
4-52 personal contact with the victim, guardian, or relative, as  
4-53 applicable.

4-54 SECTION 4. This Act takes effect September 1, 2023.

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