

1-1 By: Hinojosa of Hidalgo S.B. No. 761
1-2 (In the Senate - Filed January 10, 2025; February 7, 2025,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 19, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 19, 2025,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 761 By: Miles

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

1-19 relating to rights of crime victims, including the enforcement of
1-20 certain rights of sexual assault victims; authorizing a civil
1-21 penalty.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Article 26.13(e), Code of Criminal Procedure, is
1-24 amended to read as follows:

1-25 (e) Before accepting a plea of guilty or a plea of nolo
1-26 contendere, the court shall, as applicable in the case:

1-27 (1) inquire as to whether a victim impact statement
1-28 has been returned to the attorney representing the state and ask for
1-29 a copy of the statement if one has been returned; and

1-30 (2) inquire as to whether the attorney representing
1-31 the state has:

1-32 (A) given notice, at least five business days
1-33 before the date of the presentation of the agreement to the court or
1-34 otherwise as soon as reasonably practicable, of the existence and
1-35 terms of any plea bargain agreement to the victim, guardian of a
1-36 victim, or close relative of a deceased victim, as those terms are
1-37 defined by Article 56A.001; and

1-38 (B) conferred with the victim, guardian of a
1-39 victim, or close relative of a deceased victim regarding the
1-40 disposition of the case.

1-41 SECTION 2. Article 56A.051(a), Code of Criminal Procedure,
1-42 is amended to read as follows:

1-43 (a) A victim, guardian of a victim, or close relative of a
1-44 deceased victim is entitled to the following rights within the
1-45 criminal justice system:

1-46 (1) the right to receive from a law enforcement agency
1-47 adequate protection from harm and threats of harm arising from
1-48 cooperation with prosecution efforts;

1-49 (2) the right to have the magistrate consider the
1-50 safety of the victim or the victim's family in setting the amount of
1-51 bail for the defendant;

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

1-54 (A) by the attorney representing the state of
1-55 relevant court proceedings, including appellate proceedings, at
1-56 least five business days before the date of each proceeding or
1-57 otherwise as soon as reasonably practicable, and to be informed as
1-58 soon as possible if those proceedings have been canceled or
1-59 rescheduled before the event; and

1-60 (B) by an appellate court of the court's

2-1 decisions, after the decisions are entered but before the decisions
2-2 are made public;

2-3 (4) when requested, the right to be informed in the
2-4 manner provided by Article 56A.0525:

2-5 (A) by a peace officer concerning the defendant's
2-6 right to bail and the procedures in criminal investigations; and
2-7 (B) by the office of the attorney representing
2-8 the state concerning the general procedures in the criminal justice
2-9 system, including general procedures in guilty plea negotiations
2-10 and arrangements, restitution, and the appeals and parole process;

2-11 (5) the right to provide pertinent information to a
2-12 community supervision and corrections department conducting a
2-13 presentencing investigation concerning the impact of the offense on
2-14 the victim and the victim's family by testimony, written statement,
2-15 or any other manner before any sentencing of the defendant;

2-16 (6) the right to receive information, in the manner
2-17 provided by Article 56A.0525:

2-18 (A) regarding compensation to victims of crime as
2-19 provided by Chapter 56B, including information related to the costs
2-20 that may be compensated under that chapter and the amount of
2-21 compensation, eligibility for compensation, and procedures for
2-22 application for compensation under that chapter;

2-23 (B) for a victim of a sexual assault, regarding
2-24 the payment under Subchapter G for a forensic medical examination;
2-25 and
2-26 (C) when requested, providing a referral to
2-27 available social service agencies that may offer additional
2-28 assistance;

2-29 (7) the right to:

2-30 (A) be informed, on request, and in the manner
2-31 provided by Article 56A.0525, of parole procedures;

2-32 (B) participate in the parole process;

2-33 (C) provide to the board for inclusion in the
2-34 defendant's file information to be considered by the board before
2-35 the parole of any defendant convicted of any offense subject to this
2-36 chapter; and
2-37 (D) be notified in the manner provided by
2-38 Article 56A.0525, if requested, of parole proceedings concerning a
2-39 defendant in the victim's case and of the defendant's release;

2-40 (8) the right to be provided with a waiting area,
2-41 separate or secure from other witnesses, including the defendant
2-42 and relatives of the defendant, before testifying in any proceeding
2-43 concerning the defendant; if a separate waiting area is not
2-44 available, other safeguards should be taken to minimize the
2-45 victim's contact with the defendant and the defendant's relatives
2-46 and witnesses, before and during court proceedings;

2-47 (9) the right to the prompt return of any of the
2-48 victim's property that is held by a law enforcement agency or the
2-49 attorney representing the state as evidence when the property is no
2-50 longer required for that purpose;

2-51 (10) the right to have the attorney representing the
2-52 state notify the victim's employer, if requested, that the victim's
2-53 cooperation and testimony is necessary in a proceeding that may
2-54 require the victim to be absent from work for good cause;

2-55 (11) the right to request victim-offender mediation
2-56 coordinated by the victim services division of the department;

2-57 (12) the right to be informed, in the manner provided
2-58 by Article 56A.0525, of the uses of a victim impact statement and
2-59 the statement's purpose in the criminal justice system as described
2-60 by Subchapter D, to complete the victim impact statement, and to
2-61 have the victim impact statement considered:

2-62 (A) by the attorney representing the state and
2-63 the judge before sentencing or before a plea bargain agreement is
2-64 accepted; and
2-65 (B) by the board before a defendant is released
2-66 on parole;

2-67 (13) for a victim of an assault or sexual assault who
2-68 is younger than 17 years of age or whose case involves family
2-69 violence, as defined by Section 71.004, Family Code, the right to

3-1 have the court consider the impact on the victim of a continuance
3-2 requested by the defendant; if requested by the attorney
3-3 representing the state or by the defendant's attorney, the court
3-4 shall state on the record the reason for granting or denying the
3-5 continuance; and

3-6 (14) if the offense is a capital felony, the right to:
3-7 (A) receive by mail from the court a written
3-8 explanation of defense-initiated victim outreach if the court has
3-9 authorized expenditures for a defense-initiated victim outreach
3-10 specialist;

3-11 (B) not be contacted by the victim outreach
3-12 specialist unless the victim, guardian, or relative has consented
3-13 to the contact by providing a written notice to the court; and

3-14 (C) designate a victim service provider to
3-15 receive all communications from a victim outreach specialist acting
3-16 on behalf of any person.

3-17 SECTION 3. Article 56A.0531, Code of Criminal Procedure, is
3-18 amended to read as follows:

3-19 Art. 56A.0531. ASSERTION OF RIGHTS. A victim, guardian of a
3-20 victim, or close relative of a deceased victim may assert the rights
3-21 provided by this chapter either orally or in writing, individually
3-22 or through an attorney.

3-23 SECTION 4. Article 56A.351, Code of Criminal Procedure, is
3-24 amended by amending Subsection (e) and adding Subsections (f), (g),
3-25 (h), and (i) to read as follows:

3-26 (e) Any individual or entity, including a health care
3-27 facility, that provides an advocate with access under Subsection
3-28 (a) to a victim consenting to a forensic medical examination is not
3-29 subject to civil or criminal liability for providing that access.
3-30 [~~In this article, "health care facility" includes a hospital~~
3-31 ~~licensed under Chapter 241, Health and Safety Code.~~]

3-32 (f) An individual or entity, including a health care
3-33 facility, that is required to offer a victim the opportunity to have
3-34 an advocate from a sexual assault program be present with the victim
3-35 during the forensic medical examination shall document:

3-36 (1) whether the offer was extended to the victim;

3-37 (2) whether the advocate was available at the time of
3-38 the examination; and

3-39 (3) if the offer was not extended to the victim, the
3-40 reason the offer was not extended to the victim.

3-41 (g) An individual or entity, including a health care
3-42 facility, that does not offer a victim the opportunity to have an
3-43 advocate be present, as required by Subsection (a), or that
3-44 otherwise prevents a victim from gaining access to an advocate
3-45 described by that subsection for a reason other than the
3-46 unavailability of the advocate, is:

3-47 (1) liable to this state for a civil penalty in the
3-48 amount of \$1,000 for each violation; and

3-49 (2) subject to, if the individual or entity is
3-50 designated as a SAFE-ready facility or SAFE program, as those terms
3-51 are defined by Section 323.001, Health and Safety Code, removal of
3-52 the facility's or program's designation by the Health and Human
3-53 Services Commission or Department of State Health Services, as
3-54 applicable, under Chapter 323, Health and Safety Code.

3-55 (h) The attorney general may bring an action to recover the
3-56 civil penalty imposed under Subsection (g)(1).

3-57 (i) In this article, "health care facility" includes a
3-58 hospital licensed under Chapter 241, Health and Safety Code.

3-59 SECTION 5. Article 56A.3515, Code of Criminal Procedure, is
3-60 amended by amending Subsections (a), (b), (b-1), (d), and (f) and
3-61 adding Subsection (b-2) to read as follows:

3-62 (a) Before conducting an investigative interview with a
3-63 victim reporting a sexual assault, other than a victim who is a
3-64 minor as defined by Section 101.003, Family Code, the peace officer
3-65 or other individual conducting the interview shall offer the victim
3-66 the opportunity to have an advocate from a sexual assault program,
3-67 as defined by Section 420.003, Government Code, be present with the
3-68 victim during the interview, if the advocate is available at the
3-69 time of the interview. The advocate must have completed a sexual

4-1 assault training program described by Section 420.011(b),
 4-2 Government Code.

4-3 (b) If an advocate described by Subsection (a) is not
 4-4 available at the time of the interview, the peace officer or other
 4-5 individual conducting the interview shall offer the victim the
 4-6 opportunity to have a crime victim liaison from the law enforcement
 4-7 agency, a peace officer who has completed a sexual assault training
 4-8 program described by Section 420.011(b), Government Code, or a
 4-9 victim's assistance counselor from a state or local agency or other
 4-10 entity be present with the victim during the interview.

4-11 (b-1) The peace officer or other individual conducting an
 4-12 investigative interview described by Subsection (a) shall make a
 4-13 good faith effort to comply with Subsections (a) and (b), except
 4-14 that the officer's or individual's compliance with those
 4-15 subsections may not unreasonably delay or otherwise impede the
 4-16 interview process.

4-17 (b-2) A victim has the right to have an attorney present
 4-18 during an investigative interview with the victim. The attorney
 4-19 may not unreasonably delay or otherwise impede the interview
 4-20 process.

4-21 (d) The advocate, liaison, officer, or counselor and the
 4-22 sexual assault program or other entity providing the advocate,
 4-23 liaison, officer, or counselor may not unreasonably delay or
 4-24 otherwise impede the interview process.

4-25 (f) An individual or entity [~~A peace officer or law~~
 4-26 ~~enforcement agency~~] that provides an advocate, liaison, officer, or
 4-27 counselor with access to a victim reporting a sexual assault is not
 4-28 subject to civil or criminal liability for providing that access.

4-29 SECTION 6. Article 56A.451, Code of Criminal Procedure, is
 4-30 amended to read as follows:

4-31 Art. 56A.451. NOTIFICATION OF RIGHTS. (a) Not later than
 4-32 the 10th day after the date that an indictment or information is
 4-33 returned against a defendant for an offense, the attorney
 4-34 representing the state shall give to each victim of the offense a
 4-35 written notice containing:

4-36 (1) the case number and assigned court for the case;
 4-37 (2) a brief general statement of each procedural stage
 4-38 in the processing of a criminal case, including bail, plea
 4-39 bargaining, parole restitution, and appeal;

4-40 (3) a statement that the attorney representing the
 4-41 state does not represent the victim, guardian of a victim, or close
 4-42 relative of a deceased victim;

4-43 (4) suggested steps the victim may take if the victim
 4-44 is subjected to threats or intimidation;

4-45 (5) [~~(4)~~] the name, address, and phone number of the
 4-46 local victim assistance coordinator; and

4-47 (6) [~~(5)~~] notification of:

4-48 (A) the rights and procedures under this chapter,
 4-49 Chapter 56B, and Subchapter B, Chapter 58;

4-50 (B) the right to file a victim impact statement
 4-51 with the office of the attorney representing the state and the
 4-52 department;

4-53 (C) the right to receive information:

4-54 (i) regarding compensation to victims of
 4-55 crime as provided by Chapter 56B, including information relating to
 4-56 the costs that may be compensated under that chapter, eligibility
 4-57 for compensation, and procedures for application for compensation
 4-58 under that chapter;

4-59 (ii) for a victim of a sexual assault,
 4-60 regarding the payment under Subchapter G for a forensic medical
 4-61 examination; and

4-62 (iii) providing a referral to available
 4-63 social service agencies that may offer additional assistance; [~~and~~]

4-64 (D) the right of a victim, guardian of a victim,
 4-65 or close relative of a deceased victim, as defined by Section
 4-66 508.117, Government Code, to appear in person before a member of the
 4-67 board as provided by Section 508.153, Government Code; and

4-68 (E) the right of a victim, guardian of a victim,
 4-69 or close relative of a deceased victim to assert the rights granted

5-1 by this chapter either orally or in writing, and either
5-2 individually or through an attorney, as provided by Article
5-3 56A.0531.

5-4 (b) The brief general statement required by Subsection
5-5 (a)(2) that describes the plea bargaining stage in a criminal trial
5-6 must include a statement that:

5-7 (1) a victim impact statement provided by a victim,
5-8 guardian of a victim, or close relative of a deceased victim will be
5-9 considered by the attorney representing the state in entering into
5-10 a plea bargain agreement; and

5-11 (2) the judge before accepting a plea bargain
5-12 agreement is required under Article 26.13(e) to ask:

5-13 (A) whether a victim impact statement has been
5-14 returned to the attorney representing the state;

5-15 (B) if a victim impact statement has been
5-16 returned, for a copy of the statement; and

5-17 (C) whether the attorney representing the state
5-18 has given the victim, guardian of a victim, or close relative of a
5-19 deceased victim notice of the existence and terms of the plea
5-20 bargain agreement at least five business days before the date of the
5-21 presentation of a plea bargain agreement to the court or otherwise
5-22 as soon as reasonably practicable.

5-23 SECTION 7. Article 56A.452, Code of Criminal Procedure, is
5-24 amended to read as follows:

5-25 Art. 56A.452. NOTIFICATION OF SCHEDULED COURT PROCEEDINGS.

5-26 (a) If requested by the victim, the attorney representing the
5-27 state, at least five business days before the date of the court
5-28 proceeding or the filing of the continuance request or otherwise as
5-29 soon [far] as reasonably practicable [practical], shall give the
5-30 victim notice of:

5-31 (1) any scheduled court proceedings [~~and changes in~~
5-32 ~~that schedule~~]; and

5-33 (2) the filing of a request for continuance of a trial
5-34 setting.

5-35 (b) If requested by the victim, the attorney representing
5-36 the state shall give the victim notice of any changes in scheduled
5-37 court proceedings as soon as possible.

5-38 SECTION 8. Article 56A.453, Code of Criminal Procedure, is
5-39 amended to read as follows:

5-40 Art. 56A.453. NOTIFICATION OF PLEA BARGAIN AGREEMENT. The
5-41 attorney representing the state, at least five business days before
5-42 the date of the presentation of a plea bargain agreement to the
5-43 court or otherwise as soon [far] as reasonably practicable
5-44 [practical], shall give a victim, guardian of a victim, or close
5-45 relative of a deceased victim notice of the existence and terms of
5-46 any plea bargain agreement to be presented to the court.

5-47 SECTION 9. The change in law made by this Act applies only
5-48 to victims of criminally injurious conduct occurring on or after
5-49 the effective date of this Act. Criminally injurious conduct
5-50 occurring before the effective date of this Act is governed by the
5-51 law in effect on the date the conduct occurred, and the former law
5-52 is continued in effect for that purpose. For purposes of this
5-53 section, criminally injurious conduct occurred before the
5-54 effective date of this Act if any element of the offense underlying
5-55 the conduct occurred before that date.

5-56 SECTION 10. This Act takes effect September 1, 2025.

5-57 * * * * *