

SUBJECT: Victim's statement at the conclusion of a juvenile disposition hearing

COMMITTEE: Corrections — committee substitute recommended

VOTE: 6 ayes — Parker, White, Allen, Rose, J.D. Sheffield, Toth

0 nays

1 absent — Riddle

WITNESSES: For — John Healey, Fort Bend County District Attorney; Vikrant Reddy, Texas Public Policy Foundation; (*Registered, but did not testify*: Glenn Stockard, Texas Association Against Sexual Assault; Steven Tays, Bexar County Criminal District Attorney's Office; Justin Wood, Harris County District Attorney's Office)

Against — None

DIGEST: CSHB 1567 would allow a victim, a close relative of a deceased victim, or a guardian of a victim to appear in open court at a juvenile disposition hearing to make an oral statement about the delinquent conduct and the effect of that conduct on the victim. The statement could not include questions to the child and could not be transcribed by a court reporter. The statement would be made only after the court had announced the conditions of probation or committed the child to the Texas Juvenile Justice Department.

The bill would take effect September 1, 2013, and would apply only to a disposition hearing held on or after that date.

SUPPORTERS SAY: CSHB 1567 would reconcile the rights of victims in the juvenile justice system with those rights afforded to victims by the adult criminal justice system. Victims' rights in the adult system are stronger than rights in the juvenile system and this disparity needs to be corrected. The bill would allow for appropriate adjustments to protect the juvenile defendant. The statement would allow the victim to have the last word in a case and would have the rehabilitative effect of demonstrating to the child the effect of his or her delinquent conduct.

The bill specifically would not affect a victim's right to make a victim's impact statement. The purpose of an impact statement and the purpose of the statement this bill would provide are different, and the existence of the impact statement does not preclude the importance of the statement that would be provided by this bill.

**OPPONENTS  
SAY:**

CSHB 1567 is unnecessary because victims' interests already are represented in the juvenile justice system. Victims have the right during a disposition hearing to provide pertinent information concerning the impact of the offense on the victim and the victim's family. This provision ensures the victim's voice is heard in the process, and the ability to make a second statement would be unnecessary.

CSHB 1567 would contribute to the current trend of enumerating new victims' rights, which could erode the rights of defendants. The increasingly victim-driven justice system could lead to a vigilante-type system of justice, rather than one that seeks to do justice and that properly protects the rights of the accused.