

## **BILL ANALYSIS**

Senate Research Center  
87R9932 MAW-F

S.B. 957  
By: Zaffirini  
Criminal Justice  
3/22/2021  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law allows the Office of the Attorney General (OAG) to make payments from the crime victims' compensation fund to victims of family violence for one-time relocation expenses. There are other situations in which relocation may be necessary, including home invasions or instances of gun violence. What's more, persons are eligible to receive payments from the crime victims' compensation fund only after cooperating with law enforcement. Persons at a crime scene or hospital, however, may be unable to speak to the police due to trauma. Under these circumstances, many police reports note only that the victim declined to speak to law enforcement, causing delays in victims receiving support because what the OAG would see when reviewing the application is that the victim refused to speak to law enforcement.

S.B. 957 would add a provision allowing for one-time relocation expenses for any crime when they are necessary to protect the health or safety of the victim or his or her family. It also would exclude speaking to the police at a crime scene or hospital from the definition of cooperating with law enforcement, ensuring persons are not prevented from receiving support because they experience trauma.

As proposed, S.B. 957 amends current law relating to crime victims' compensation.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 56B.003(10), Code of Criminal Procedure, as follows:

(10) Redefines "pecuniary loss" as the amount of the expense reasonably and necessarily incurred as a result of personal injury or death for:

(A) - (G) makes no changes;

(H) reasonable and necessary costs for relocation and housing rental assistance payments as provided by Articles 56B.106(c) and (c-1), rather than as provided by Article 56B.106(c);

(I)-(J) makes no changes.

SECTION 2. Amends Article 56B.106, Code of Criminal Procedure, by amending Subsection (c) and adding Subsections (c-1) and (c-2), as follows:

(c) Provides that a victim who is a victim of stalking, family violence, or trafficking of persons, or a victim of sexual assault who is assaulted in the victim's place of residence, may receive a one-time assistance payment in an amount not to exceed:

(1) \$2,000 to be used for relocation expenses, including expenses for rental deposit, utility connections, expenses relating to moving belongings, motor vehicle mileage expenses, temporary or emergency lodging for not more than

seven nights at a rate not to exceed \$150 for each night, and for an out-of-state move, expenses for transportation, lodging, and meals; and

(2) makes no changes.

(c-1) Provides that a victim other than a victim described by Subsection (c), a dependent of any victim, or an immediate family member or household member of any victim may receive a one-time assistance payment for relocation and housing rental expenses that are necessary to protect the health or safety of the victim, a dependent of the victim, or an immediate family member or household member of the victim. Prohibits a payment under this subsection from exceeding:

(1) \$2,000 to be used for relocation expenses, including expenses for rental deposit, utility connections, expenses relating to moving belongings, motor vehicle mileage expenses, temporary or emergency lodging for not more than seven nights at a rate not to exceed \$150 for each night, and for an out-of-state move, expenses for transportation, lodging, and meals; and

(2) \$1,800 to be used for housing rental expenses.

(c-2) Authorizes the attorney general to waive any documentation requirements for expenses described by Subsection (c) or (c-1) as necessary to expedite a payment under either subsection.

SECTION 3. Amends Article 56B.107, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Creates an exception under 56B.107 (Denial or Reduction of Award). Makes a conforming change.

(c) Prohibits the attorney general from denying or reducing an award of crime victims' compensation under Subsection (a)(1) (relating to denying or reducing an award if the claimant or victim has not substantially cooperated with an appropriate law enforcement agency) based substantially on the interactions of the claimant or victim with a law enforcement agency at the crime scene or hospital.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2021.