

BILL ANALYSIS

C.S.H.B. 3185
By: Krause
Appropriations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law allows compensation provided through the crime victims' compensation (CVC) program to a victim to be reduced if the victim does not substantially cooperate with an appropriate law enforcement agency. Often the only information available to make such a determination is what is written in a police report filed immediately following the crime. Based on this standard, a survivor who is navigating trauma and perhaps not ready to speak to police at the crime scene or in a hospital immediately following the crime could be penalized for time required to process that trauma. C.S.H.B. 3185 seeks to address this issue by prohibiting a claimant's or victim's award of compensation through the CVC program from being reduced on the basis of a lack of cooperation with law enforcement at the crime scene or hospital, with a certain exception.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3185 amends the Code of Criminal Procedure to prohibit the attorney general from denying or reducing compensation awarded through the crime victims' compensation (CVC) program on the basis of the claimant or victim not substantially cooperating with an appropriate law enforcement agency if the judgment that the claimant or victim has not done so is based on the interactions of the claimant or victim with a law enforcement agency at the crime scene or hospital unless the attorney general finds that the claimant or victim, subsequent to the interactions at the crime scene or hospital, failed or refused to substantially cooperate with the law enforcement agency. The bill's provisions apply only to compensation for criminally injurious conduct occurring on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3185 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute omits the provisions from the original that related to one-time assistance payments through the CVC program for relocation and housing rental expenses.

The substitute does not revise the definition of "pecuniary loss" for purposes of the CVC program, whereas the original did.

The substitute revises the original's prohibition against the attorney general denying or reducing compensation awarded through the CVC program on the basis of the claimant or victim not substantially cooperating with an appropriate law enforcement agency if the judgment that the claimant or victim has not done so is based substantially on the interactions of the claimant or victim with a law enforcement agency at the crime scene or hospital. The substitute instead prohibits the attorney general from taking such an action based on the interactions of the claimant or victim with a law enforcement agency at the crime scene or hospital unless the attorney general finds that the claimant or victim, subsequent to the interactions at the crime scene or hospital, failed or refused to substantially cooperate with the law enforcement agency.