

BILL ANALYSIS

Senate Research Center

S.B. 1611
By: Whitmire
Criminal Justice
4-18-97
Committee Report (Amended)

DIGEST

Currently, various divisions of the Texas Department of Criminal Justice are responsible for providing victim services. This bill will create the victim services division of the Texas Department of Criminal Justice and will assign certain powers and duties to that division.

PURPOSE

As proposed, S.B. 1611 creates the victim services division of the Texas Department of Criminal Justice and assigns certain powers and duties to that division.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 493.002(a), Government Code, to provide that the victim services division is within the Texas Department of Criminal Justice (TDCJ).

SECTION 2. Amends Chapter 493, Government Code, by adding Section 493.0055, as follows:

Sec. 493.0055. VICTIM SERVICES DIVISION. Sets forth duties of the victim services division. Provides that the Texas Crime Victim Clearinghouse (clearinghouse) is located in the victim services division. Authorizes the Texas Board of Criminal Justice to apply for and accept gifts or grants from any public or private source for the purpose of providing services described by this section.

SECTION 3. Amends Article 42.18(2), Code of Criminal Procedure, by adding Subdivision (10), to define "victim services division."

SECTION 4. Amends Subdivisions (2) and (3), Section 8(f), Article 42.18, Code of Criminal Procedure, to require the victim services division, rather than the pardons and paroles division, to make a reasonable effort to notify certain persons, before a parole panel considers for parole a prisoner who is serving a sentence for an offense in which a person was a victim. Makes conforming changes.

SECTION 5. Amends Section 18(a), Article 42.18, Code of Criminal Procedure, to provide that certain information maintained by TDCJ in connection with inmates of the institutional division and related to their eligibility for or release on parole, mandatory supervision, or executive clemency, is confidential and private.

SECTION 6. Amends Article 56.02(a), Code of Criminal Procedure, to make nonsubstantive changes.

SECTION 7. Amends Subsections (a), (d), and (h), Article 56.03, Code of Criminal Procedure, to require the clearinghouse, with the participation of the community justice assistance division, institutional division, and pardons and paroles division of the TDCJ and the Board of Pardons and Paroles, to develop a form containing certain information to be used by certain persons. Provides that

certain persons, if the person wished to be notified of parole proceedings, is responsible for notifying the victim services division of the TDCJ of any change of address. Makes conforming and nonsubstantive changes.

SECTION 8. Amends Article 56.04(e), Code of Criminal Procedure, to make a conforming change.

SECTION 9. Amends Articles 56.05(a) and (c), Code of Criminal Procedure, to authorize the clearinghouse to consult, contract, and coordinate with the Texas Crime Victims' Institute (institute) to conduct research to survey the use and evaluate the effectiveness of victim impact statements. Requires the clearinghouse to assist the Commission on Law Enforcement Officer Standards and Education to develop crime victim standards and distribute those standards to law enforcement officers to aid those officers in performing duties imposed by this chapter. Requires the clearinghouse to develop and distribute, in cooperation with the Texas District and County Attorneys Association, crime victim assistance standards to aid attorneys representing the state in performing duties imposed by this chapter. Requires the clearinghouse, in developing crime victim assistance standards, to utilize and incorporate the research and findings of the institute on the needs of victims and the effectiveness of service delivery to them.

SECTION 10. Amends Article 56.08(c), Code of Criminal Procedure, to make a conforming change.

SECTION 11. Amends Article 56.11, Code of Criminal Procedure, to require the victim services division, rather than the institutional division, of TDCJ to notify certain persons whenever a person convicted of a felony offense under Subsection (a) as enhanced by Subsection (b) of Section 42.072, Penal Code, takes certain actions. Makes conforming changes.

SECTION 12. Amends Article 56.12, Code of Criminal Procedure, to make conforming changes.

SECTION 13. Effective date: September 1, 1997.

SECTION 14. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Page 9, lines 2-7, strike Subsection (a), and substitute the following:

"(a) The Texas Crime Victim Clearinghouse may consult, contract, and coordinate with the Texas Crime Victims' Institute to conduct research to survey the use and evaluate the effectiveness of victim impact statements."

Amendment 2.

Page 9, line 17, at the end of Subsection (c), add the following:

"In developing crime victim assistance standards, the Texas Crime Victim Clearinghouse shall utilize and incorporate the research and findings of the Crime Victims' Institute on the needs of victims and the effectiveness of service delivery to them."