

BILL ANALYSIS

H.B. 692
By: Longoria
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties are concerned that the current iteration of the Crime Victims' Compensation Act does not address reimbursement for property damage that occurs due to certain criminal behavior occurring when a person attempts to evade arrest or detention. These parties are concerned that this lack of reimbursement could have unintended consequences. For instance, the parties explain, some ranchers have experienced damage to the fencing on their properties as a result of human smugglers, drug traffickers, and other criminals evading arrest from federal and local law enforcement agencies. The damage that occurs to properties like these, especially when it results in the destruction of a fence meant to contain livestock and other animals, can pose a danger if those animals find their way to nearby roads. These property owners are left to mend the damages caused by this criminal conduct on their own or through personal insurance, and any delays in repairing this particular kind of property damage further enhance the danger to the public. H.B. 692 seeks to address these concerns.

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

H.B. 692 amends the Code of Criminal Procedure to add evasion of arrest or detention involving the use of a vehicle to the list of offenses that constitute criminally injurious conduct under the Crime Victims' Compensation Act, provided the conduct poses a substantial threat of personal injury or death. The bill includes in the definition of "victim" under the act an individual who, as a result of such injurious conduct, suffers damages to the individual's real property located in Texas and includes in the definition of "pecuniary loss" under the act the amount of expense reasonably and necessarily incurred as a result of such damage. The bill requires the attorney general, for purposes of awarding compensation for a pecuniary loss under the act, to establish whether a claimant or victim suffered damages to real property as a direct result of such criminally injurious conduct. The bill requires an application for compensation under the act to contain, among other information, a complete financial statement including, if applicable, the damages to real property suffered by the claimant or victim as a result of such criminally injurious conduct and the extent to which the claimant or victim has been indemnified from a collateral source for the damages. The bill caps at \$50,000 the aggregate amount of awards payable to a victim and all other claimants sustaining pecuniary loss because of damages to real property as a result of such criminally injurious conduct. The bill requires a claimant or victim who has filed a notice of dissatisfaction with the attorney general's decision regarding

compensation for such criminally injurious conduct resulting in pecuniary loss with respect to property to bring suit in the district court having jurisdiction in the county in which the real property is located.

EFFECTIVE DATE

September 1, 2015.