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**SUBJECT:** Crime victims' rights, programs

**COMMITTEE:** Criminal Jurisprudence — committee substitute recommended

**VOTE:** 6 ayes — Place, Talton, Farrar, Greenberg, Pickett, Pitts  
0 nays  
3 absent — Hudson, Nixon, Solis

**WITNESSES:** For — Ronnie Earle; Nell Meyers; Patricia Day; Bill Lewis, Mothers Against Drunk Driving  
Against — None  
On — Raven Kazen, Texas Department of Criminal Justice; Laurel E. Kelly, Crime Victims' Compensation Division of the Attorney General;

**DIGEST:** CSHB 11 would add to crime victims' rights; require victim notification when inmates escape, are transferred or die and a reasonable effort at notification when persons are placed on probation; allow victim representation at parole hearings; extend confidentiality protections to additional documents relating to victims, require the establishment of victim-offender mediation services; require training of some persons in criminal justice agencies in crime victims' rights and establish a parole restitution fund.  
The bill would take effect September 1, 1995

**Crime victims' rights.** CSHB 11 would add to the rights the Code of Criminal Procedure gives to crime victims, including the right to:

- be informed by the prosecutor of appellate proceedings and decisions in court proceedings immediately after the decision is filed and entered;
- request victim-offender mediation coordinated by the Texas Department of Criminal Justice (TDCJ); and

- be informed of the uses and purpose of a victim impact statement, to complete the statement and to have it considered before sentencing or a plea bargain and by the Board of Pardons and Paroles.

CSHB 11 would require that the statement given to crime victims by prosecutors describing the plea bargaining process notify crime victims that the statement will be considered before a plea bargain is entered or accepted.

**Victim notification.** CSHB 11 would require that the Texas Department of Criminal Justice (TDCJ) immediately notify victims or their guardians or relatives that register with TDCJ when an offender escapes, is transferred or dies.

Local community supervision and corrections (probation) departments would have to make a reasonable effort to notify victims or their guardians or relatives that register with the department if an offender is placed on community supervision (probation), of the probation conditions and of any hearing at which the conditions could be modified. Prosecutors who receive information about a victim's address would be required to immediately provide the information to the probation department.

**Parole hearing.** If a parole panel were going to meet to consider parole for an offender, a victim or a victim's representatives would have to be given the option to make an oral statement in addition to the current option to give a written statement. If a parole panel is not impaneled, a victim would have the option of meeting with individual panel members, at their convenience.

**Confidentiality.** CSHB 11 would extend confidentiality requirements to information connected with persons in state jails and county jails and would add victim protest letters and other victim correspondence to the other documents concerning victims that are confidential. It would be a Class B misdemeanor to release confidential information that contains material about a victim's identity or location. Defendants or their counsels would not be able to read from the victim impact statements the name, address and telephone number of victims or their relatives.

**Victim-offender mediation.** TDCJ's victim services office would be required to train persons as victim-offender mediators and to refer them to victims upon request. Divisions of TDCJ and judges would be required to assist offenders on probation, parole or confined who agree to participate in mediation but could not require or reward participation.

TDCJ, instead of the parole division, would be required to notify victims before a parole panel considers an offender.

**Training in crime victims' rights.** TDCJ would be required to provide an annual four-hour program in crime victims' issues for local probation departments, parole officers and the Board of Pardons and Paroles. TDCJ would be required to consult with the Texas Crime Victim Clearinghouse or other entity to develop the course. The course would have to include information about crime victims' rights and the duty of probation departments, parole officers and the Board of Pardons and Paroles to ensure a victim is afforded the rights.

The commission on law enforcement officer standards and education would have to require courses and to provide training in crime victims' rights and the duty of law enforcement agencies to ensure victims are afforded their rights. The training course required of peace officers every two years would have to include information on crime victims rights and the duty to ensure victims are afforded their rights. The new course would have to be established by January 1, 1996, and persons who are officers as of September 1, 1995, would have to complete the course by September 1, 1997.

The commission would be required to consult with the Texas Crime Victim Clearinghouse or other entity to develop training programs relating to crime victims.

**Parole restitution fund.** CSHB 11 would establish a parole restitution fund for payments made by parolees and for disbursement to victims. Money that remained unclaimed in the fund would be transferred to the victims of crime auxiliary fund five years after it was deposited.

**SUPPORTERS  
SAY:**

CSHB 11 would enhance crime victims' rights and ensure that persons working in criminal justice agencies are aware of those rights. Crime victims deserve to be fully informed of the criminal justice process, to be considered in that process and to be notified when decisions are made. Developing victim-offender mediation services would put these programs in place for victims who request them and offenders who agree to them and would help victims overcome the trauma of crime. CSHB 11 would formalize the informal mediation services that are provided now. Giving victims the option of appearing in person before a parole board members would give them direct input to the process and codify a current practice being done on request. Judging from current requests, the parole board members would not be overwhelmed with requests for face-to-face meetings. In addition, the bill allows only "a" victim, guardian, close relative of deceased victims or victim representative to appear in person.

**OPPONENTS  
SAY:**

Allowing victims to meet with parole board members could overwhelm the members with requests to meet with victims.

**NOTES:**

The committee substitute made several changes in the original bill, including: adding the rights to be informed about the uses of a victim impact statement to the list of victims rights, adding when an inmate dies to the notification requirements, eliminating a requirement that the Court of Criminal Appeals provide judicial training in victims' rights and that prosecutors complete an annual course on victims' rights, including the Board of Pardons and Paroles in the victims rights training course, eliminating authorization for victims to be compensated in some circumstances for relocation expenses, and eliminating provisions allowing restitution payments and payments to local probation departments to be withheld from person's income.

Rep. Allen plans to offer an amendment concerning victim meetings with parole board members.