



An employee publication of the
Texas Department of Criminal Justice

September/October 2013

Volume 21 Issue 1

Board Bulletin

83rd Legislature strengthens victims' rights

By Angie McCown, TDCJ Victim Services Director and Janice Harris Lord, TBCJ Member

Until the passage of crime victims' rights into statute in 1985, victims were relatively ignored in the criminal justice system. This lack of consideration for victims often led to re-victimization because, just as they had no control over what happened to them or their loved ones, they, likewise, had no role in the justice system unless they were a direct witness to the crime.

The 1985 law provided tools to give victims a role in the criminal justice system. These rights are defined for victims of adult offenders in Chapter 56 of the Texas Code of Criminal Procedure. Similar rights are defined for victims of juvenile offenders in Chapter 57 of the Texas Family Code. The crime victims' rights in their entirety can be found at http://tdcj.state.tx.us/divisions/vs/victim_rights.html.

A significant component of the 1985 legislation was the Victim Impact Statement (VIS). The VIS is a personal statement victims can present that describes to the court and to the convicted offender the impact of violent crime on themselves and their families. In written form, it is to be considered by the

prosecutor, judge and Board of Pardons and Paroles. It is also utilized by the courts and the supervision entity, including the Texas Department of Criminal Justice's (TDCJ) Victim Services Division (VSD), to provide notification to victims of changes in their offender's status.

Over the past 28 years, crime victims' rights in Texas have continued to grow and strengthen in their purpose to allow victims the right to participate in the criminal justice process. During the 83rd legislative session, Senate Bill (SB) 213, SB 1192 and House Bill (HB) 899 passed, enhancing the rights of crime victims and strengthening the VIS process.

SB 213

SB 213 directs the court, prior to imposing the sentence, to inquire if a VIS was returned to the attorney representing the state. If a VIS was returned, the judge must consider



Janice Harris Lord

the VIS before accepting a plea bargain or imposing a sentence. The judgment must also indicate if a VIS was returned to the attorney representing the state, and a copy of the VIS must be attached by the court to the offender's commitment papers if the defendant is sentenced to TDCJ supervision. The new law also requires the attorney representing the state to forward the VIS to the community supervision and corrections department if the defendant is sentenced to their supervision.

SB 213 also requires the VSD of TDCJ, in collaboration with other criminal justice professionals, to develop recommendations to ensure the VISs are received by TDCJ. Once a VIS is received by TDCJ, it is forwarded to the VSD for processing. If victims indicate on the VIS that they want to receive notifications regarding the offender's status, they are registered on the Victim Notification System (VNS). The VSD utilizes the VNS, a confidential database, to provide more than 80 points of notification regarding the offender's incarceration and supervision, if applicable.

In fiscal year 2012, 91,448 VISs were provided

Continued on page 2

Continued from page 1

ed to crime victims by the district or county attorney's offices, but only 17,172, (19 percent), were completed and returned by crime victims. During the same fiscal year, 3,568 of the returned VISs, (20 percent), were received by the TDCJ.

The Victim Impact Statement is vital to preserving a victim's right to be informed and to participate in the criminal justice system, including post-conviction. The revised responsibilities and the development of the VIS recommendations seek to ensure that the VIS follows the proper channels within the criminal justice system, so that victims are afforded their crime victims' rights throughout the criminal justice process including prison, probation and parole. The bill became effective September 1, 2013.

SB 1192

SB 1192 adds some crime victims' rights specific to sexual assault victims, in addition to their rights in Art. 56.02. This law requires the rights of sexual assault victims to be included in the VIS document. The purpose of SB 1192 is to allow victims of sexual assault to be notified about the evidence collected from their assaults, including when evidence collected during the investigation is sent to a crime lab for analysis. Sexual assault victims have the right to decide whether to exercise these rights.

This law was effective September 1, 2013; however, the criminal justice system is required to add the victim rights for sexual assault victims to the VIS form on January 1, 2014.

HB 899

HB 899 provides, in capital felony cases where the court has authorized expenditures for a defense-initiated victim outreach specialist, that crime victims receive a written explanation of defense-initiated victim outreach process. The defense victim outreach specialist may contact the victim only if the court has received a written notice from the victim consenting to the contact. Victims may also designate a victim services provider to receive the communications on their behalf. This bill became a law on September 1, 2013.

The purpose of HB 899 is to extend statutory provisions to help protect the victim's, guardian's or relative's privacy and safety while keeping the victim and other such persons informed of the prosecution proceedings. The law extends the list of rights to which a victim of a capital felony, the victim's guardian, or close relative is entitled.

TDCJ's VSD is dedicated to providing direct, personal service to victims and their families throughout Texas, as well as assisting those outside our state to the best of its ability. In addition, the VSD Texas Crime Victim Clearinghouse provides brochures, publications, professional training and victim services, and participates in statewide coalitions and Crime Victims' Rights Week in order to increase awareness of crime victims' rights, while also assisting crime victims in exercising those rights.

The VSD also assists TDCJ employees who have been victimized on TDCJ facilities by

providing assistance, information and referrals. Please call 800-848-4284 for assistance.

The Clearinghouse is currently updating brochures and training to reflect changes in statutes after the 83rd legislative session. Please visit our website at <http://tdcj.state.tx.us/divisions/vs/index.html> for more information on the services offered by the TDCJ VSD. ●