

# CODE OF CRIMINAL PROCEDURE

## CHAPTER 56B. CRIME VICTIMS' COMPENSATION

### *Subchapter A. General Provisions*

#### **ART. 56B.001. SHORT TITLE**

This chapter may be cited as the Crime Victims' Compensation Act.

Enacted effective Jan. 1, 2021 (HB 4173, §1.06). Section 3.01 of HB 4173 repeals former Chapter 56, among others. Section 4.01 of HB 4173 provides: "This Act is enacted under Section 43, Article III, Texas Constitution. This Act is intended as a codification only, and no substantive change in the law is intended by this Act."

Section 4.02 of HB 4173 provides: "(a) Chapter 311, Government Code (Code Construction Act), applies to the construction of each provision in the Code of Criminal Procedure that is enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), in the same manner as to a code enacted under the continuing statutory revision program, except as otherwise expressly provided by the Code of Criminal Procedure. (b) A reference in a law to a statute or a part of a statute in the Code of Criminal Procedure enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), is considered to be a reference to the part of that code that revises that statute or part of that statute."

#### **2019 LEGISLATIVE NOTE**

Note that the nonsubstantive revisions of HB 4173 did not take into account additional substantive amendments to Chapter 56 made during the 2019 session. These amendments have been included at the end of this compilation and presumably will be incorporated into the new chapters in the 2021 legislative session.

#### **ART. 56B.002. LEGISLATIVE FINDINGS AND INTENT**

(a) The legislature recognizes that many innocent individuals suffer personal injury or death as a result of criminal acts. Crime victims and persons who intervene to prevent criminal acts often suffer disabilities, incur financial burdens, or become dependent on public assistance. The legislature finds that there is a need to compensate crime victims and those who suffer personal injury or death in the prevention of crime or in the apprehension of criminals.

(b) It is the legislature's intent that the compensation of innocent victims of violent crime encourage greater public cooperation in the successful apprehension and prosecution of criminals.

#### **ART. 56B.003. DEFINITIONS**

In this chapter:

(1) "Child" means an individual younger than 18 years of age who:

(A) is not married; or

(B) has not had the disabilities of minority removed for general purposes under Chapter 31, Family Code.

(2) "Claimant" means any of the following individuals, other than a service provider, who is entitled to file or has filed a claim for compensation under this chapter:

(A) an authorized individual acting on behalf of a victim;

(B) an individual who legally assumes the obligation or who voluntarily pays medical or burial expenses of a victim incurred as a result of the criminally injurious conduct of another;

(C) a dependent of a victim who died as a result of the criminally injurious conduct;

(D) an immediate family member or a household member of a victim who, as a result of the criminally injurious conduct:

(i) requires psychiatric care or counseling;

(ii) incurs expenses for traveling to and attending a deceased victim's funeral; or

(iii) suffers wage loss from bereavement leave taken in connection with the death of the victim; or

(E) an authorized individual acting on behalf of a child described by Paragraph (C) or (D).

(3) "Collateral source" means any of the following sources of benefits or advantages for pecuniary loss that a claimant or victim has received or that is readily available to the claimant or victim from:

(A) the offender under an order of restitution to the claimant or victim that is imposed by a court as a condition of community supervision;

(B) the United States, a federal agency, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes those benefits or advantages in addition to or secondary to benefits under this chapter;

(C) social security, Medicare, or Medicaid;

(D) another state's or another country's crime victims' compensation program;

(E) workers' compensation;

(F) an employer's wage continuation program, not including vacation and sick leave benefits;

(G) proceeds of an insurance contract payable to or on behalf of the claimant or victim for loss that the claimant or victim sustained because of the criminally injurious conduct;

(H) a contract or self-funded program providing hospital and other health care services or benefits; or

(I) proceeds awarded to the claimant or victim as a result of third-party litigation.

(4) "Criminally injurious conduct" means conduct that:

(A) occurs or is attempted;

(B) poses a substantial threat of personal injury or death;

(C) is punishable by fine, imprisonment, or death, or would be punishable by fine, imprisonment, or death if the person engaging in the conduct possessed the capacity to commit the conduct; and

(D) does not arise out of the ownership, maintenance, or use of a motor vehicle, aircraft, or water vehicle, unless the conduct is:

(i) intended to cause personal injury or death;

(ii) in violation of Section 545.157 or 545.401, Transportation Code, if the conduct results in bodily injury or death;

(iii) in violation of Section 550.021, Transportation Code; or

(iv) in violation of one or more of the following sections of the Penal Code:

(a) Section 19.04 (manslaughter);

(b) Section 19.05 (criminally negligent homicide);

(c) Section 22.02 (aggravated assault);

(d) Section 22.05 (deadly conduct);

(e) Section 49.04 (driving while intoxicated);

(f) Section 49.05 (flying while intoxicated);

(g) Section 49.06 (boating while intoxicated);

(h) Section 49.07 (intoxication assault); or

(i) Section 49.08 (intoxication manslaughter).

(5) "Dependent" means:

(A) a surviving spouse;

(B) a person who is a dependent, within the meaning of the Internal Revenue Code of 1986, of a victim; and

(C) a posthumous child of a deceased victim.

(6) "Family violence" has the meaning assigned by Section 71.004(1), Family Code.

(7) "Household member" means an individual who:

- (A) is related by consanguinity or affinity to the victim; and  
 (B) resided in the same permanent household as the victim at the time that the criminally injurious conduct occurred.
- (8) "Immediate family member" means an individual who is related to a victim within the second degree by consanguinity or affinity.
- (9) "Intervenor" means an individual who goes to the aid of another and is killed or injured in a good faith effort to:
- (A) prevent criminally injurious conduct;
  - (B) apprehend a person reasonably suspected of having engaged in criminally injurious conduct; or
  - (C) aid a peace officer.
- (10) "Pecuniary loss" means the amount of the expense reasonably and necessarily incurred as a result of personal injury or death for:
- (A) medical, hospital, nursing, or psychiatric care or counseling, or physical therapy;
  - (B) actual loss of past earnings and anticipated loss of future earnings and necessary travel expenses because of:
    - (i) a disability resulting from the personal injury;
    - (ii) the receipt of medically indicated services related to the disability; or
    - (iii) participation in or attendance at investigative, prosecutorial, or judicial processes or any postconviction or postadjudication proceeding relating to criminally injurious conduct;
  - (C) care of a child or dependent, including specialized care for a child who is a victim;
  - (D) funeral and burial expenses, including, for an immediate family member or a household member of the victim, the necessary expenses of traveling to and attending the funeral;
  - (E) loss of support to a dependent, consistent with Article 56B.057(b)(5);
  - (F) reasonable and necessary costs of cleaning the crime scene;
  - (G) reasonable replacement costs for clothing, bedding, or property of the victim seized as evidence or rendered unusable as a result of the criminal investigation;
  - (H) reasonable and necessary costs for relocation and housing rental assistance payments as provided by Article 56B.106(c);
  - (I) for an immediate family member or a household member of a deceased victim, bereavement leave of not more than 10 work days; and
  - (J) reasonable and necessary costs of traveling to and from a place of execution to witness the execution, including one night's lodging near the place where the execution is conducted.
- (11) "Personal injury" means physical or mental harm.
- (12) "Sexual assault" means an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code.
- (13) "Trafficking of persons" means any offense that results in a person engaging in forced labor or services, including sexual conduct, and that may be prosecuted under Section 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code.
- (14) "Victim" means:
- (A) an individual who:
    - (i) suffers personal injury or death as a result of criminally injurious conduct or as a result of actions taken by the individual as an intervenor, if the conduct or actions occurred in this state; and
    - (ii) is a resident of this state or another state of the United States;
  - (B) an individual who:
    - (i) suffers personal injury or death as a result of criminally injurious conduct or as a result of actions taken by the individual as an intervenor, if the conduct or actions occurred in a state or country that does not have a crime victims' compensation program that meets the requirements of Section 1403(b), Victims of Crime Act of 1984 (34 U.S.C. Section 20102(b));
    - (ii) is a resident of this state; and
    - (iii) would be entitled to compensation under this chapter if the criminally injurious conduct or actions had occurred in this state; or
  - (C) an individual who:

- (i) suffers personal injury or death as a result of criminally injurious conduct caused by an act of international terrorism as defined by 18 U.S.C. Section 2331 committed outside of the United States; and
  - (ii) is a resident of this state.
- (15) "Victim-related services or assistance" means compensation, services, or assistance provided directly to a victim or claimant to support or assist in the recovery of the victim or claimant from the consequences of criminally injurious conduct.

#### **ART. 56B.004. ADMINISTRATION; RULES**

- (a) The attorney general shall adopt rules consistent with this chapter governing its administration, including rules relating to the method of filing claims and the proof of entitlement to compensation and the review of health care services subject to compensation under this chapter, Chapter 56A, and Subchapter B, Chapter 58.
- (b) Subchapters A and B, Chapter 2001, Government Code, except Sections 2001.004(3) and 2001.005, apply to the attorney general.
- (c) The attorney general may delegate to a person in the attorney general's office a power or duty given to the attorney general under this chapter.

#### **ART. 56B.005. ANNUAL REPORT**

Not later than the 100th day after the end of each state fiscal year, the attorney general shall submit to the governor and the legislature a report on the attorney general's activities during the preceding fiscal year, including a statistical summary of claims and awards made and denied.

#### **ART. 56B.006. PUBLIC NOTICE**

- (a) A hospital licensed under the laws of this state shall display prominently in its emergency room posters giving notice of the existence and general provisions of this chapter.
- (b) The attorney general shall:
  - (1) set standards for the location of the posters described by Subsection (a); and
  - (2) provide posters, application forms, and general information regarding this chapter to each hospital and physician licensed to practice in this state.

#### **ART. 56B.007. NOTICE BY LOCAL LAW ENFORCEMENT AGENCY**

- (a) Each local law enforcement agency shall inform a claimant or victim of the provisions of this chapter and make application forms available.
- (b) The attorney general:
  - (1) shall:
    - (A) provide application forms and all other documents that a local law enforcement agency may require to comply with this article; and
    - (B) set standards to be followed by a local law enforcement agency to comply with this article; and
  - (2) may require a local law enforcement agency to file with the attorney general a description of the procedures adopted by the agency to comply with this article.

### ***Subchapter B. Application and Review***

#### **ART. 56B.051. APPLICATION FOR COMPENSATION**

- (a) An applicant for compensation under this chapter must apply in writing on a form prescribed by the attorney general.
- (b) An application for compensation under this chapter must be verified and contain:
  - (1) the date on which the criminally injurious conduct occurred;
  - (2) a description of the nature and circumstances of the criminally injurious conduct;
  - (3) a complete financial statement, including:
    - (A) the cost of medical care or burial expenses and the loss of wages or support the claimant or victim has incurred or will incur; and

- (B) the extent to which the claimant or victim has been indemnified for the expenses under Paragraph (A) from a collateral source;
- (4) a statement indicating the extent of any disability resulting from the injury incurred;
- (5) an authorization permitting the attorney general to verify the contents of the application; and
- (6) any other information the attorney general requires.

#### **ART. 56B.052. PERIOD FOR FILING APPLICATION**

- (a) Except as otherwise provided by this article, a claimant or victim must file an application not later than the third anniversary of the date of the criminally injurious conduct.
- (b) The attorney general may extend the time for filing for good cause shown by the claimant or victim.
- (c) If the victim is a child, the application must be filed not later than the third anniversary of the date the claimant or victim is made aware of the offense, but not after the child attains 21 years of age.
- (d) If a claimant or victim presents medically documented evidence of a physical or mental incapacity that was incurred by the claimant or victim as a result of the criminally injurious conduct and that reasonably prevented the claimant or victim from filing the application within the limitations period under Subsection (a), the period of the incapacity is not included.
- (e) For a claim that is based on criminally injurious conduct in violation of Chapter 19, Penal Code, the claimant must file an application not later than the third anniversary of the date the identity of the victim is established by a law enforcement agency.

#### **ART. 56B.053. REPORTING OF OFFENSE REQUIRED**

- (a) Except as otherwise provided by this article, a claimant or victim may not file an application unless the victim reports the criminally injurious conduct to the appropriate state or local public safety or law enforcement agency within a reasonable period, but not so late as to interfere with or hamper the investigation and prosecution of the offense after the criminally injurious conduct is committed.
- (b) The attorney general may extend the time for reporting the criminally injurious conduct if the attorney general determines that the extension is justified by extraordinary circumstances.
- (c) Subsection (a) does not apply if the victim is a child.

#### **ART. 56B.054. REVIEW AND INVESTIGATION OF APPLICATION**

- (a) The attorney general shall appoint a clerk to review each application for compensation described by Article 56B.051 to ensure the application is complete.
- (b) The attorney general may review the actual or proposed health care services for which a claimant or victim seeks compensation in an application filed under Article 56B.051.
- (c) The clerk shall return to the claimant or victim any application that is incomplete and shall provide a brief statement showing the additional information required. Not later than the 30th day after the date of receiving a returned application, a claimant or victim may:
  - (1) provide the additional information; or
  - (2) appeal the action to the attorney general, who shall review the application to determine whether the application is complete.
- (d) The attorney general may investigate an application.
- (e) As part of the attorney general's review, verification, and hearing duties under this chapter, the attorney general may:
  - (1) subpoena witnesses and administer oaths to determine whether and the extent to which a claimant or victim qualifies for an award; and
  - (2) as provided by Article 56B.055 and if the mental, physical, or emotional condition of a claimant or victim is material to the claim, order:
    - (A) a claimant or victim to submit to a mental or physical examination by a physician or psychologist; or
    - (B) an autopsy of a deceased victim.

- (f) On request by the attorney general and not later than the 14th business day after the date of the request, a law enforcement agency shall release to the attorney general all reports, including witness statements and criminal history record information, to allow the attorney general to determine whether a claimant or victim qualifies for an award and the extent of the qualification.

#### **ART. 56B.055. MENTAL OR PHYSICAL EXAMINATION; AUTOPSY**

- (a) For good cause shown, an order for a mental or physical examination or an autopsy as provided by Article 56B.054(e)(2) may be made on notice to the individual to be examined and, if applicable, to each person who has appeared at a hearing under Article 56B.056.
- (b) An order under Subsection (a) must:
  - (1) specify the time, place, manner, conditions, and scope of the examination or autopsy;
  - (2) specify the person who is to perform the examination or autopsy; and
  - (3) require the person performing the examination or autopsy to file with the attorney general a detailed written report of the examination or autopsy.
- (c) A report must set out the findings of the person performing the examination or autopsy, including:
  - (1) the results of any test performed; and
  - (2) any diagnosis, prognosis, or other conclusion or report of an earlier examination of the same condition.
- (d) On request of the individual examined, the attorney general shall provide to the individual a copy of the report. If the victim is deceased, the attorney general on request shall provide to the claimant a copy of the report.
- (e) A physician or psychologist performing an examination or autopsy under this article shall be compensated from money appropriated for the administration of this chapter.

#### **ART. 56B.056. HEARINGS AND PREHEARING CONFERENCES**

- (a) The attorney general shall determine whether a hearing on an application for compensation under this chapter is necessary.
- (b) On determining that a hearing is not necessary, the attorney general may approve the application in accordance with Article 56B.057.
- (c) On determining that a hearing is necessary or on request for a hearing by the claimant or victim, the attorney general shall consider the application at a hearing at a time and place of the attorney general's choosing. The attorney general shall notify all interested persons not later than the 10th day before the date of the hearing.
- (d) At the hearing the attorney general shall:
  - (1) review the application for compensation and any report prepared under Article 56B.055 and any other evidence obtained as a result of the attorney general's investigation; and
  - (2) receive other evidence that the attorney general finds necessary or desirable to evaluate the application properly.
- (e) The attorney general may appoint hearing officers to conduct hearings or prehearing conferences under this chapter.
- (f) A hearing or prehearing conference is open to the public unless the hearing officer or attorney general determines in a particular case that all or part of the hearing or conference should be held in private because a criminal suspect has not been apprehended or because a private hearing or conference is in the interest of the claimant or victim.
- (g) The attorney general may suspend the proceedings pending disposition of a criminal prosecution that has been commenced or is imminent, except that the attorney general may make an emergency award under Article 56B.102.
- (h) Subchapters C through H, Chapter 2001, Government Code, do not apply to the attorney general or the attorney general's orders and decisions.

#### **ART. 56B.057. APPROVAL OF APPLICATION**

(a) The attorney general shall approve an application for compensation under this chapter if the attorney general finds by a preponderance of the evidence that grounds for compensation under this chapter exist.

(b) The attorney general shall deny an application for compensation under this chapter if:

(1) the criminally injurious conduct is not reported as provided by Article 56B.053;

(2) the application is not made in the manner provided by Articles 56B.051 and 56B.052;

(3) the claimant or victim knowingly and willingly participated in the criminally injurious conduct;

(4) the claimant or victim is the offender or an accomplice of the offender;

(5) an award of compensation to the claimant or victim would benefit the offender or an accomplice of the offender;

(6) the claimant or victim was incarcerated in a penal institution, as defined by Section 1.07, Penal Code, at the time the offense was committed; or

(7) the claimant or victim knowingly or intentionally submits false or forged information to the attorney general.

(c) Subsection (b)(3) does not apply to a claimant or victim who seeks compensation for criminally injurious conduct that is:

(1) in violation of Section 20A.02(a)(7), Penal Code; or

(2) trafficking of persons, other than an offense described by Subdivision (1), if the criminally injurious conduct the claimant or victim participated in was the result of force, fraud, or coercion.

(d) Except as provided by rules adopted by the attorney general to prevent the unjust enrichment of an offender, the attorney general may not deny an award otherwise payable to a claimant or victim because the claimant or victim:

(1) is an immediate family member of the offender; or

(2) resides in the same household as the offender.

#### **ART. 56B.058. DISCLOSURE AND USE OF INFORMATION**

(a) This article does not apply to information made confidential by law.  
(b) An application for compensation under this chapter and any information, document, summary, or other record provided to or received, maintained, or created by the attorney general under this chapter is:

(1) except as provided by Section 552.132(c), Government Code, not subject to disclosure under Chapter 552 of that code; and

(2) except as provided by Subsection (c), not subject to disclosure, discovery, subpoena, or other means of legal compulsion for release.

(c) The attorney general may not release or disclose an application for compensation under this chapter, or any information, document, summary, or other record provided to or received, maintained, or created by the attorney general under this chapter, except:

(1) by court order for good cause shown, if the order includes a finding that the information is not available from any other source;

(2) with the consent of:

(A) the claimant or victim; or

(B) the person that provided the information to the attorney general;

(3) to an employee or other person under the direction of the attorney general;

(4) to another crime victims' compensation program that meets the requirements of 34 U.S.C. Section 20102(b);

(5) to a person authorized by the attorney general to receive the information to:

(A) conduct an audit as required by state or federal law;

(B) provide a review or examination under Article 56B.054 or 56B.055 or under another provision of this chapter to determine the appropriateness of an award under this chapter;

(C) prevent, deter, or punish fraud related to this chapter; or

(D) assert subrogation or restitution rights;

(6) as the attorney general determines necessary to enforce this chapter, including presenting the application, information, document, summary, or record in court; or

(7) in response to a subpoena that is issued in a criminal proceeding and that requests an application for compensation under this chapter, subject to Subsection (d).

(d) In responding to a subpoena described by Subsection (c)(7), the attorney general shall release only the victim's completed application form as described by Article 56B.051(a) after redacting any confidential information described by Section 552.132(b), Government Code. The release of a victim's completed application form under this subsection does not affect the authority of the court to order the release or disclosure of additional information under this article.

### ***Subchapter C. Award of Compensation***

#### **ART. 56B.101. TYPES OF ASSISTANCE**

(a) On approving an application for compensation under Article 56B.057, the attorney general shall determine the type of state assistance that will best aid the claimant or victim.

(b) The attorney general may:

(1) authorize a cash payment to or on behalf of a claimant or victim for pecuniary loss;

(2) refer a claimant or victim to a state agency for vocational or other rehabilitative services; or

(3) provide counseling services for a claimant or victim or contract with a private entity to provide counseling services.

#### **ART. 56B.102. EMERGENCY AWARD**

(a) Before acting on an application for compensation under this chapter, the attorney general may make an emergency award if it appears likely that:

(1) a final award will be made; and

(2) the claimant or victim will suffer undue hardship if immediate economic relief is not obtained.

(b) An emergency award may not exceed \$1,500.

(c) The amount of an emergency award must be:

(1) deducted from the final award; or

(2) repaid by and recoverable from the claimant or victim to the extent the emergency award exceeds the final award.

#### **ART. 56B.103. COMPENSATION FOR PECUNIARY LOSS**

(a) The attorney general shall award compensation for pecuniary loss arising from criminally injurious conduct if the attorney general is satisfied by a preponderance of the evidence that the requirements of this chapter are met.

(b) The attorney general shall establish whether, as a direct result of criminally injurious conduct, a claimant or victim suffered personal injury or death that resulted in a pecuniary loss for which the claimant or victim is not compensated from a collateral source.

#### **ART. 56B.104. COMPENSATION FOR HEALTH CARE SERVICES**

(a) The attorney general shall award compensation for health care services according to the medical fee guidelines prescribed by Subtitle A, Title 5, Labor Code.

(b) The attorney general, a claimant, or a victim is not liable for health care service charges that exceed the medical fee guidelines. A health care provider shall accept compensation from the attorney general as payment in full for the charges unless an investigation of the charges by the attorney general determines that there is a reasonable health care justification for the deviation from the guidelines.

(c) The attorney general may not compensate a claimant or victim for health care services that the attorney general determines are not medically necessary.

(d) The attorney general, a claimant, or a victim is not liable for a charge that is not medically necessary.

#### **ART. 56B.105. COMPENSATION FOR CERTAIN CRIMINALLY INJURIOUS CONDUCT PROHIBITED**

(a) Except as provided by Subsection (b), the attorney general may not award compensation for pecuniary loss arising from criminally injurious conduct that occurred before January 1, 1980.

(b) The attorney general may award compensation for pecuniary loss arising from criminally injurious conduct that occurred before January 1, 1980, if:

- (1) the conduct was in violation of Chapter 19, Penal Code;
- (2) the identity of the victim is established by a law enforcement agency on or after January 1, 2009; and
- (3) the claimant files the application for compensation within the limitations period provided by Article 56B.052(e).

#### **ART. 56B.106. LIMITS OF COMPENSATION**

(a) Except as otherwise provided by this article, awards payable to a victim and any other claimant sustaining pecuniary loss because of injury or death of that victim may not exceed \$50,000 in the aggregate.

(b) In addition to an award payable under Subsection (a), the attorney general may award not more than \$75,000 for extraordinary pecuniary loss if the personal injury to a victim is catastrophic and results in a total and permanent disability to the victim. An award described by this subsection may be made for lost wages and the reasonable and necessary costs of:

- (1) making a home or motor vehicle accessible;
- (2) obtaining job training and vocational rehabilitation;
- (3) training in the use of a special appliance;
- (4) receiving home health care;
- (5) durable medical equipment;
- (6) rehabilitation technology; and
- (7) long-term medical expenses incurred as a result of medically indicated treatment for the personal injury.

(c) A victim who is a victim of stalking, family violence, or trafficking of persons, or a victim of sexual assault who is assaulted in the victim's place of residence, may receive a one-time assistance payment in an amount not to exceed:

- (1) \$2,000 to be used for relocation expenses, including expenses for rental deposit, utility connections, expenses relating to moving belongings, motor vehicle mileage expenses, and for an out-of-state move, transportation, lodging, and meals; and
- (2) \$1,800 to be used for housing rental expenses.

(d) An immediate family member or household member of a deceased victim may not receive more than \$1,000 in lost wages as a result of bereavement leave taken by the family or household member.

(e) The attorney general by rule may establish a limitation on any other pecuniary loss compensated under this chapter, including a limitation on pecuniary loss incurred as a result of a claimant's travel to and attendance of a deceased victim's funeral.

#### **ART. 56B.107. DENIAL OR REDUCTION OF AWARD**

(a) The attorney general may deny or reduce an award otherwise payable:

- (1) if the claimant or victim has not substantially cooperated with an appropriate law enforcement agency;
- (2) if, as a result of the claimant's or victim's behavior, the claimant or victim bears a share of the responsibility for the act or omission giving rise to the claim;
- (3) to the extent that pecuniary loss is recouped from a collateral source; or
- (4) if the claimant or victim was engaging in an activity that at the time of the criminally injurious conduct was prohibited by law, including a rule.

(b) Subsection (a)(4) does not apply to a claimant or victim who seeks compensation for criminally injurious conduct that is:

- (1) in violation of Section 20A.02(a)(7), Penal Code; or
- (2) trafficking of persons, other than an offense described by Subdivision (1), if the activity the claimant or victim engaged in was the result of force, fraud, or coercion.

#### **ART. 56B.108. RECONSIDERATION**

(a) On the attorney general's own motion or on request of a claimant or victim, the attorney general may reconsider:

- (1) a decision to make or deny an award; or
- (2) the amount of an award.

(b) At least annually, the attorney general shall reconsider each award being paid in installments.

(c) On reconsideration, the attorney general may order the refund of an award if:

- (1) the award was obtained by fraud or mistake; or
- (2) newly discovered evidence shows the claimant or victim to be ineligible for the award under Article 56B.057 or 56B.107.

### ***Subchapter D. Payment of Award***

#### **ART. 56B.151. METHOD OF PAYMENT**

The attorney general may pay an award in a lump sum or in installments as provided by this subchapter.

#### **ART. 56B.152. PAYMENT FOR PECUNIARY LOSS ACCRUED AT TIME OF AWARD**

The attorney general shall pay in a lump sum the part of an award equal to the amount of pecuniary loss accrued to the date of the award.

#### **ART. 56B.153. PAYMENT FOR PECUNIARY LOSS ACCRUED AFTER TIME OF AWARD**

(a) Except as provided by Subsection (b), the attorney general shall pay in installments the part of an award for allowable expenses that accrue after the award is made.

(b) At the request of the claimant or victim, the attorney general may pay in a lump sum an award for future pecuniary loss if the attorney general finds that:

- (1) paying the award in a lump sum will promote the interests of the claimant or victim; or
- (2) the present value of all future pecuniary loss does not exceed \$1,000.

(c) The attorney general may not pay in installments an award for future pecuniary loss for a period for which the attorney general cannot reasonably determine the future pecuniary loss.

#### **ART. 56B.154. RECIPIENT OF PAYMENT**

The attorney general may make payments only to an individual who is a claimant or a victim or to a provider on the individual's behalf.

### ***Subchapter E. General Provisions Relating to Payment***

#### **ART. 56B.201. ADJUSTMENT OF AWARDS AND PAYMENTS**

(a) The attorney general shall establish a policy to adjust awards and payments so that the total amount of awards granted in each calendar year does not exceed the amount of money credited to the compensation to victims of crime fund during that year.

(b) On the establishment of a policy under Subsection (a), the attorney general, the claimant, or the victim is not liable for the amount of incurred charges exceeding the adjusted amount for the service on which the adjusted payment is determined.

(c) A service provider who accepts a payment that has been adjusted by a policy established under Subsection (a) agrees to accept the adjusted payment as payment in full for the service and is barred from legal action against the claimant or victim for collection.

#### **ART. 56B.202. SUBROGATION**

If compensation is awarded under this chapter, the state is subrogated to all the claimant's or victim's rights to receive or recover benefits for pecuniary loss to the extent compensation is awarded from a collateral source.

#### **ART. 56B.203. AWARD NOT SUBJECT TO EXECUTION**

- (a) Except as provided by Subsection (b), an award is not subject to execution, attachment, garnishment, or other process.
- (b) An award is not exempt from a claim of a creditor to the extent that the creditor provided a product, service, or accommodation, the cost of which is included in the award.

#### **ART. 56B.204. ASSIGNMENT OF BENEFITS FOR LOSS ACCRUING IN FUTURE**

- (a) Except as provided by Subsections (b) and (c), an assignment of or agreement to assign a right to benefits for loss accruing in the future is unenforceable.
- (b) An assignment of a right to benefits for loss of earnings is enforceable to secure payment of alimony, maintenance, or child support.
- (c) An assignment of a right to benefits is enforceable to the extent that the benefits are for the cost of a product, service, or accommodation:
- (1) made necessary by the injury or death on which the claim is based; and
  - (2) provided or to be provided by the assignee. (Code Crim. Proc., Art. 56.49(b).)

### ***Subchapter F. Payments for Certain Disabled Peace Officers***

#### **ART. 56B.251. DEFINITION**

In this subchapter, "peace officer" means an individual elected, appointed, or employed to serve as a peace officer for a governmental entity under Article 2.12 or other law. The term includes a former peace officer who is entitled to receive payments under this subchapter because of an injury suffered while performing duties as a peace officer.

#### **ART. 56B.252. APPLICABILITY**

This subchapter applies only to a peace officer who is employed by this state or a local governmental entity in this state and who sustains an injury in the performance of the officer's duties as a peace officer as a result of criminally injurious conduct on or after September 1, 1989.

#### **ART. 56B.253. PAYMENT ENTITLEMENT**

A peace officer to whom this subchapter applies is entitled to an annual payment in the amount described by Article 56B.254 if the officer presents evidence satisfactory to the attorney general that:

- (1) the officer's condition is a total disability resulting in permanent incapacity for work; and
- (2) the total disability has persisted for more than 12 months.

#### **ART. 56B.254. AMOUNT OF PAYMENT**

The amount of an annual payment under this subchapter is equal to the difference between:

- (1) any amount received by the peace officer for the injury or disability from another source of income, including settlements related to the injury or disability, insurance benefits, federal disability benefits, workers' compensation benefits, and benefits from another governmental entity, if those amounts do not exceed the amount described by Subdivision (2); and
- (2) an amount equal to the officer's average annual salary during the officer's final three years as a peace officer.

#### **ART. 56B.255. METHOD OF PAYMENT**

A peace officer who is entitled to an annual payment under Article 56B.253 may elect to receive the payment in:

- (1) a single payment paid each year; or
- (2) equal monthly installments.

#### **ART. 56B.256. COST-OF-LIVING ADJUSTMENT**

- (a) The amount of a payment under Article 56B.254 is subject to an annual cost-of-living adjustment calculated by the attorney general.
- (b) The attorney general shall calculate the amount of the cost-of-living adjustment by multiplying the amount of the annual payment received by the peace officer under this subchapter during the preceding year by the percentage by which the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor, or its successor index, increased during the preceding calendar year.

#### **ART. 56B.257. CALCULATION OF INITIAL PAYMENT**

The attorney general shall calculate the amount of an initial payment based on an injury suffered after September 1, 1989, by:

- (1) calculating the amount to which the peace officer is entitled under Article 56B.254; and
- (2) adding to that amount the cumulative successive cost-of-living adjustments for the intervening years calculated from the date of the injury.

#### **ART. 56B.258. PROOF REQUIRED FOR PAYMENT**

To receive a payment under this subchapter, a peace officer must provide to the attorney general:

- (1) proof that the injury:
  - (A) was sustained in the performance of the applicant's duties as a peace officer; and
  - (B) is a total disability resulting in permanent incapacity for work; and
- (2) any other information or evidence the attorney general requires.

#### **ART. 56B.259. HEARING**

The attorney general may approve the application without a hearing or may conduct a hearing under Article 56B.056.

#### **ART. 56B.260. JUDICIAL REVIEW**

The decision of the attorney general is subject to judicial review under Subchapter H.

#### **ART. 56B.261. PERIODIC REVIEW**

The attorney general may appoint a panel of physicians to periodically review each application for assistance under this subchapter to ensure the validity of the application and the necessity of continued assistance to the peace officer.

#### **ART. 56B.262. ISSUANCE OF WARRANT FOR PAYMENT**

- (a) The attorney general shall notify the comptroller of the attorney general's determination that a claim under this subchapter is valid and justifies payment. On receipt of the notice, the comptroller shall issue a warrant to or on behalf of the peace officer in the proper amount from amounts in the compensation to victims of crime fund. A payment under this subchapter to or on behalf of a peace officer is payable as soon as possible after the attorney general notifies the comptroller.
- (b) The attorney general and the comptroller by rule shall adopt a memorandum of understanding to establish procedures under which annual payments continue to a peace officer until continued assistance is no longer necessary.

#### **ART. 56B.263. LIMITS ON COMPENSATION**

The total aggregate amount of all annual payments made to an individual peace officer under this subchapter may not exceed \$200,000. The limits on compensation imposed by Article 56B.106 do not apply to payments made under this subchapter.

#### **ART. 56B.264. APPLICATION OF OTHER LAW**

- (a) Article 56B.052 does not apply to the filing of an application under this subchapter.
- (b) Other provisions of this chapter apply to this subchapter to the extent applicable and consistent with this subchapter.

## *Subchapter G. Attorney's Fees*

### **ART. 56B.301. AWARD OF ATTORNEY'S FEES**

- (a) As part of an order, the attorney general shall determine and award reasonable attorney's fees commensurate with legal services rendered, to be paid by the state to the attorney representing the claimant or victim.
- (b) Attorney's fees may be denied on a finding that the claim or appeal is frivolous.
- (c) An award of attorney's fees is in addition to an award of compensation.
- (d) Attorney's fees may not be paid to an attorney of a claimant or victim unless an award is made to the claimant or victim.

### **ART. 56B.302. AMOUNT OF ATTORNEY'S FEES**

- (a) Attorney's fees may not exceed 25 percent of the amount of the award the attorney assisted the claimant or victim in obtaining.
- (b) If there is no dispute of the attorney general's determination of the amount due to the claimant or victim and a hearing is not held, the attorney's fee shall be the lesser of:
  - (1) 25 percent of the amount the attorney assisted the claimant or victim in obtaining; or
  - (2) \$300.
- (c) An attorney may not contract for or receive an amount that exceeds the amount allowed under this article.

## *Subchapter H. Judicial Review*

### **ART. 56B.351. NOTICE OF DISSATISFACTION**

Not later than the 40th day after the date the attorney general renders a final decision, a claimant or victim may file with the attorney general a notice of dissatisfaction with the decision.

### **ART. 56B.352. SUIT; VENUE**

Not later than the 40th day after the date the claimant or victim gives notice of dissatisfaction under Article 56B.351, the claimant or victim must bring suit in:

- (1) the district court having jurisdiction in the county in which:
  - (A) the injury or death occurred; or
  - (B) the victim resided at the time of the injury or death; or
- (2) if the victim resided out of state at the time of the injury or death:
  - (A) the district court having jurisdiction in the county in which the injury or death occurred; or
  - (B) a district court in Travis County.

### **ART. 56B.353. RESTRICTIONS ON ATTORNEY GENERAL DURING JUDICIAL REVIEW**

While judicial review of a decision by the attorney general is pending, the attorney general:

- (1) shall suspend payments to the claimant or victim; and
- (2) may not reconsider the award.

### **ART. 56B.354. STANDARD OF REVIEW**

The court shall determine the issues by trial de novo.

### **ART. 56B.355. BURDEN OF PROOF**

The burden of proof is on the claimant or victim filing the notice of dissatisfaction.

### **ART. 56B.356. ATTORNEY'S FEES**

In the event of judicial review, a court may award as attorney's fees an amount not to exceed 25 percent of the total recovery by the claimant or victim.

### **ART. 56B.357. CALCULATION OF TIME**

In calculating a period under Article 56B.351 or 56B.352, if the last day is a legal holiday or Sunday, the last day is not counted, and the time is extended to include the next business day.

## *Subchapter I. Private Action*

### **ART. 56B.401. NOTICE OF PROPOSED PRIVATE ACTION**

Before a claimant or victim may bring an action to recover damages related to criminally injurious conduct for which compensation under this chapter is claimed or awarded, the claimant or victim must give the attorney general written notice of the proposed action.

### **ART. 56B.402. RECEIPT OF NOTICE**

After receiving notice under Article 56B.401, the attorney general shall promptly:

- (1) join in the action as a party plaintiff to recover benefits awarded;
- (2) require the claimant or victim to bring the action in the claimant's or victim's name as a trustee on behalf of the state to recover benefits awarded; or
- (3) reserve the attorney general's rights and take neither action described by Subdivision (1) or (2).

### **ART. 56B.403. DEDUCTION FOR REASONABLE EXPENSES**

- (a) A claimant or victim who brings an action as a trustee as described by Article 56B.402(2) and recovers compensation awarded by the attorney general may deduct from the benefits recovered on behalf of the state the reasonable expenses of the suit, including attorney's fees, expended in pursuing the recovery for the state.
- (b) The claimant or victim must justify a deduction under Subsection (a) to the attorney general in writing on a form provided by the attorney general.

### **ART. 56B.404. LIMITATIONS ON RESOLUTION OF ACTION**

- (a) A claimant or victim may not settle or otherwise resolve any such action without the attorney general's written authorization.
- (b) A third party or agent, insurer, or attorney of a third party may not participate in the settlement or other resolution of such an action if the third party, agent, insurer, or attorney actually knows, or should know, that the claimant or victim has received money from the compensation to victims of crime fund and is subject to the subrogation provisions of this subchapter.
- (c) Any attempt by a third party or agent, insurer, or attorney of a third party to settle an action is void and does not result in a release from liability to the compensation to victims of crime fund for any rights subrogated under this subchapter.
- (d) An agent, insurer, or attorney described by this article is personally liable to the compensation to victims of crime fund for any money paid to a claimant or victim in violation of this article, in an amount not to exceed the full amount of the fund's right to reimbursement.

### **ART. 56B.405. CRIMINAL PENALTY**

- (a) A claimant, victim, or third party, or an agent, insurer, or attorney of a third party, commits an offense if the person knowingly fails to comply with the requirements of this chapter, Chapter 56A, or Subchapter B, Chapter 58.
- (b) An offense under Subsection (a) is a Class B misdemeanor, except that any fine imposed may not exceed \$500.

## *Subchapter J. Funds*

### **ART. 56B.451. DEFINITION**

In this subchapter, "fund" means the compensation to victims of crime fund.

### **ART. 56B.452. ESTABLISHMENT**

- (a) The compensation to victims of crime fund is in the state treasury.
- (b) Section 403.095, Government Code, does not apply to the fund.

### **ART. 56B.453. USE OF MONEY**

- (a) Money in the fund may be used only as provided by this chapter and is not available for any other purpose.
- (b) Except as provided by Subsection (d) and Articles 56B.455, 56B.458, 56B.459, and 56B.460, the fund may be used only by the attorney general to pay compensation to claimants or victims under this chapter.
- (c) For purposes of Subsection (b), compensation to claimants or victims includes money allocated from the fund to the Crime Victims' Institute created by Section 96.65, Education Code, for the operation of the institute and for other expenses in administering this chapter. The institute shall use money allocated from the fund only for the purposes of Sections 96.65, 96.651, and 96.652, Education Code.
- (d) The attorney general may use the fund to:
- (1) reimburse a law enforcement agency for the reasonable costs of a forensic medical examination that are incurred by the agency under Subchapter F or G, Chapter 56A; and
  - (2) make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided under Subchapter F or G, Chapter 56A, in accordance with Section 323.004, Health and Safety Code.

### **ART. 56B.454. LIMITATIONS ON PAYMENTS**

- (a) The attorney general may not make compensation payments that exceed the amount of money available in the fund.
- (b) General revenue funds may not be used for payments under this chapter.

### **ART. 56B.455. AMOUNT CARRIED FORWARD**

An amount of money deposited to the credit of the fund not to exceed one-quarter of the amount disbursed from that fund in the form of compensation payments during a state fiscal year shall be carried forward into the next succeeding state fiscal year and applied toward the amount listed in that fiscal year's method of financing.

### **ART. 56B.456. TRANSFER OF MONEY FROM AUXILIARY FUND**

- (a) Not later than September 15 of each year, the attorney general, after consulting with the comptroller, shall certify the amount of money remaining in the compensation to victims of crime auxiliary fund at the end of the preceding state fiscal year.
- (b) If the amount remaining in the compensation to victims of crime auxiliary fund as certified under Subsection (a) exceeds \$5 million, as soon as practicable after the date of certification, the attorney general may transfer to the fund an amount that is not more than 50 percent of the excess amount in the auxiliary fund. Money transferred under this subsection may be used only to make compensation payments during the state fiscal year in which the amount is transferred.

### **ART. 56B.457. GIFTS, GRANTS, AND DONATIONS**

- (a) The attorney general may accept gifts, grants, and donations to be credited to the fund.
- (b) The attorney general shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all gifts, grants, and donations received and disbursed, used, or maintained by the attorney general that are credited to the fund.

### **ART. 56B.458. EMERGENCY RESERVE**

- (a) If the amount available in the fund is sufficient in a state fiscal year to make all compensation payments, the attorney general may retain any portion of the fund that was deposited during the fiscal year that exceeded compensation payments made during that fiscal year as an emergency reserve for the next fiscal year. The emergency reserve may not exceed \$10,000,000.
- (b) The emergency reserve may be used only:
- (1) to make compensation awards in claims; and
  - (2) to provide emergency relief and assistance, including crisis intervention, emergency housing, travel, food, or expenses and technical

assistance expenses incurred in implementing this article in incidents resulting from an act of mass violence or from an act of international terrorism as defined by 18 U.S.C. Section 2331, occurring in this state or for Texas residents injured or killed in an act of terrorism outside of the United States.

### **ART. 56B.459. APPROPRIATION FOR ASSOCIATE JUDGE PROGRAM**

The legislature may appropriate money in the fund to administer the associate judge program under Subchapter C, Chapter 201, Family Code.

### **ART. 56B.460. APPROPRIATION FOR OTHER CRIME VICTIM ASSISTANCE**

- (a) Not later than December 15 of each even-numbered year, the attorney general, after consulting with the comptroller, shall prepare forecasts and certify estimates of:
- (1) the amount of money in the fund that the attorney general anticipates will remain unexpended at the end of the current state fiscal year and that is available for appropriation in the next state fiscal biennium;
  - (2) the amount of money that the attorney general anticipates will be received from deposits made to the credit of the fund during the next state fiscal biennium, other than deposits of:
    - (A) gifts, grants, and donations; and
    - (B) money received from the United States; and
  - (3) the amount of money from the fund that the attorney general anticipates will be obligated during the next state fiscal biennium to comply with this chapter, Chapter 56A, and Subchapter B, Chapter 58.
- (b) At the time the attorney general certifies the estimates made under Subsection (a), the attorney general shall also certify for the next state fiscal biennium the amount of excess money in the fund available for the purposes of Subsection (c), calculated by multiplying the amount estimated under Subsection (a)(3) by 105 percent and subtracting that product from the sum of the amounts estimated under Subsections (a)(1) and (2).
- (c) For a state fiscal biennium, the legislature may appropriate from the fund the amount of excess money in the fund certified for the biennium under Subsection (b) to state agencies that deliver or fund victim-related services or assistance.
- (d) The attorney general and the comptroller shall cooperate in determining the proper allocation of the various sources of revenue deposited to the credit of the fund for purposes of this article.
- (e) The attorney general may use money appropriated from the fund for grants or contracts supporting victim-related services or assistance, including support for private Texas nonprofit corporations that provide victim-related civil legal services directly to victims, immediate family members of victims, or claimants. A grant supporting victim-related services or assistance is governed by Chapter 783, Government Code.
- (f) The attorney general shall adopt rules necessary to implement this article.

### **ART. 56B.461. USE OF AUXILIARY FUND**

As appropriated by the legislature, the attorney general may use the compensation to victims of crime auxiliary fund to cover costs incurred by the attorney general in administering the address confidentiality program established under Subchapter B, Chapter 58.

### **ART. 56B.462. PAYERS OF LAST RESORT**

The fund and the compensation to victims of crime auxiliary fund are the payers of last resort.

## ***Subchapter K. Administrative Penalty***

### **ART. 56B.501. CONDUCT SUBJECT TO PENALTY; AMOUNT OF PENALTY**

- (a) A person who presents to the attorney general, or engages in conduct



that results in the presentation to the attorney general of, an application for compensation under this chapter that contains a statement or representation the person knows to be false is liable to the attorney general for:

- (1) the amount paid in reliance on the application, plus interest on that amount determined at the rate provided by law for legal judgments and accruing from the date on which the payment was made;
  - (2) payment of an administrative penalty in an amount not to exceed twice the amount paid as a result of the false application for benefits or claim for pecuniary loss; and
  - (3) payment of an administrative penalty in an amount not to exceed \$10,000 for each item or service for which payment was claimed.
- (b) In determining the amount of the penalty to be assessed under Subsection (a)(3), the attorney general shall consider:
- (1) the seriousness of the violation;
  - (2) whether the person has previously submitted a false application for benefits or a claim for pecuniary loss; and
  - (3) the amount necessary to deter the person from submitting future false applications for benefits or claims for pecuniary loss.

#### **ART. 56B.502. REPORT AND NOTICE OF VIOLATION AND PENALTY**

- (a) On determining that a violation has occurred, the attorney general may issue a report stating:
- (1) the facts on which the determination is made; and
  - (2) the attorney general's recommendation on the imposition of an administrative penalty, including a recommendation on the amount of the penalty.
- (b) The attorney general shall give written notice of the report to the person described by Article 56B.501. The notice may be given by certified mail and must:
- (1) include a brief summary of the alleged violation;
  - (2) state the amount of the recommended penalty; and
  - (3) inform the person of the right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

#### **ART. 56B.503. PENALTY TO BE PAID OR HEARING REQUESTED**

- (a) Not later than the 20th day after the date the person receives the notice, the person in writing may:
- (1) accept the attorney general's determination and recommended administrative penalty; or
  - (2) request a hearing on the occurrence of the violation, the amount of the penalty, or both.
- (b) If the person accepts the attorney general's determination and recommended penalty, the attorney general by order shall approve the determination and impose the recommended penalty.

#### **ART. 56B.504. HEARING**

- (a) If the person requests a hearing as provided by Article 56B.503(a) or fails to respond to the notice in a timely manner, the attorney general shall set a contested case hearing under Chapter 2001, Government Code, and notify the person of the hearing.
- (b) The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the attorney general a proposal for a decision regarding the occurrence of the violation and the amount of a proposed administrative penalty.

#### **ART. 56B.505. DECISION BY ATTORNEY GENERAL**

- (a) Based on the findings of fact, conclusions of law, and proposal for a decision, the attorney general by order may find that:
- (1) a violation occurred and impose an administrative penalty; or
  - (2) a violation did not occur.
- (b) Notice of the attorney general's order given to the person under Chapter 2001, Government Code, must include a statement of the person's right to judicial review of the order.

#### **ART. 56B.506. OPTIONS FOLLOWING DECISION: PAY OR APPEAL**

- (a) Not later than the 30th day after the date the attorney general's order becomes final under Section 2001.144, Government Code, the person shall:
- (1) pay the administrative penalty;
  - (2) pay the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both; or
  - (3) without paying the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both.
- (b) Within the 30-day period, a person who acts under Subsection (a)(3) may:
- (1) stay enforcement of the penalty by:
    - (A) paying the penalty to the court for placement in an escrow account; or
    - (B) giving to the court a supersedeas bond that is approved by the court and that is:
      - (i) for the amount of the penalty; and
      - (ii) effective until judicial review of the attorney general's order is final; or
  - (2) request the court to stay enforcement of the penalty by:
    - (A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the penalty or give the supersedeas bond; and
    - (B) delivering a copy of the affidavit to the attorney general by certified mail.
- (c) On receipt by the attorney general of a copy of an affidavit under Subsection (b)(2), the attorney general may file with the court a contest to the affidavit not later than the fifth day after the date the copy is received.
- (d) The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. A person who files an affidavit under Subsection (b)(2) has the burden of proving that the person is financially unable to pay the penalty or give a supersedeas bond.

#### **ART. 56B.507. COLLECTION OF PENALTY**

If the person does not pay the administrative penalty and the enforcement of the penalty is not stayed, the attorney general may file suit to collect the penalty.

#### **ART. 56B.508. DECISION BY COURT**

- (a) If the court sustains the finding that a violation occurred, the court may order the person to pay the full or a reduced administrative penalty.
- (b) If the court does not sustain the finding that a violation occurred, the court shall order that a penalty is not owed.

#### **ART. 56B.509. REMITTANCE OF PENALTY AND INTEREST**

- (a) If the person paid the administrative penalty and the amount is reduced or is not upheld by the court, the court shall order that the appropriate amount plus accrued interest be remitted to the person.
- (b) The interest accrues at the rate charged on loans to depository institutions by the New York Federal Reserve Bank. The interest shall be paid for the period beginning on the date the penalty was paid and ending on the date the penalty is remitted.

#### **ART. 56B.510. RELEASE OF BOND**

- (a) If the person gave a supersedeas bond and the administrative penalty is not upheld by the court, the court shall order the release of the bond.
- (b) If the person gave a supersedeas bond and the amount of the penalty is reduced, the court shall order the release of the bond after the person pays the amount.

#### **ART. 56B.511. DISPOSITION OF PENALTY**

An administrative penalty collected under this subchapter shall be sent

to the comptroller and deposited to the credit of the compensation to victims of crime fund.

#### **ART. 56B.512. RECOVERY OF EXPENSES**

In addition to the administrative penalty authorized by this subchapter, the attorney general may recover all expenses incurred by the attorney general in the investigation, institution, and prosecution of the suit, including investigative costs, witness fees, attorney's fees, and deposition expenses.

#### **ART. 56B.513. ADMINISTRATIVE PROCEDURE**

A proceeding under this subchapter is subject to Chapter 2001, Government Code.

### ***Subchapter L. Other Penalties and Sanctions***

#### **ART. 56B.551. LETTER OF REPRIMAND**

- (a) The attorney general may issue a letter of reprimand against an individual who the attorney general finds has filed or has caused to be filed under this chapter an application for benefits or claim for pecuniary loss that contains a statement or representation that the individual knows is false.
- (b) The attorney general must give the individual notice of the proposed action before issuing the letter.
- (c) An individual may challenge the denial of compensation and the issuance of a letter of reprimand in a contested case hearing under Chapter 2001, Government Code.
- (d) A letter of reprimand issued under this article is public information.

#### **ART. 56B.552. CIVIL PENALTY**

- (a) A person is subject to a civil penalty of not less than \$2,500 or more than \$25,000 for each application for compensation that:
- (1) is filed under this chapter by the person or as a result of the person's conduct; and
  - (2) contains a material statement or representation that the person knows is false.
- (b) The attorney general shall institute and conduct a suit to collect on behalf of the state the civil penalty authorized by this article.
- (c) A civil penalty recovered under this article shall be deposited to the credit of the compensation to victims of crime fund.
- (d) The civil penalty authorized by this article is in addition to any other civil, administrative, or criminal penalty provided by law.
- (e) In addition to the civil penalty authorized by this article, the attorney general may recover expenses incurred by the attorney general in the investigation, institution, and prosecution of the suit, including investigative costs, witness fees, attorney's fees, and deposition expenses.

## **CHAPTER 56. RIGHTS OF CRIME VICTIMS**

### ***Subchapter B. Crime Victims' Compensation***

#### **ART. 56.32. DEFINITIONS**

- (a) In this subchapter:

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- (14) "Trafficking of persons" means any offense that results in a person engaging in forced labor or services, including sexual conduct, and that may be prosecuted under Section 20A.02, 20A.03, 43.03, 43.031, 43.04, 43.041, 43.05, 43.25, 43.251, or 43.26, Penal Code.

Amendment of (a)(14) effective Sept. 1, 2019 (SB 20, §3.06).

#### **ART. 56.42. LIMITS ON COMPENSATION**

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- (d) A ~~victim who is a~~ victim of stalking, family violence, or trafficking of persons, ~~or~~ a victim of sexual assault who is assaulted in the victim's place of residence, or a child who is a victim of a murder attempt in the child's place of residence may receive a onetime-only assistance payment in an amount not to exceed:

- (1) \$2,000 to be used for relocation expenses, including expenses for rental deposit, utility connections, expenses relating to the moving of belongings, motor vehicle mileage expenses, and for out-of-state moves, transportation, lodging, and meals; and
- (2) \$1,800 to be used for housing rental expenses.

Amendment adding child victim to (d) effective Sept. 1, 2019 (HB 2079, §1). Section 2 of HB 2079 provides: "The change in law made by this Act applies only to a victim of a criminal offense committed on or after the effective date of this Act. A criminal offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, a criminal offense was committed before the effective date of this Act if any element of the offense occurred before that date."

#### **ART. 56.54. FUNDS**

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- (k) The attorney general may use the compensation to victims of crime fund to:
- (1) reimburse a health care facility or a sexual assault examiner or sexual assault nurse examiner for certain costs of a forensic medical examination that are incurred by the facility or the examiner ~~reimburse a law enforcement agency for the reasonable costs of a forensic medical examination that are incurred by the agency~~ under Article 56.06 or 56.065, as provided by those articles; and
  - (2) make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided under Article 56.06 or 56.065 in accordance with Section 323.004, Health and Safety Code.

Amendments to (k)(1) effective Sept. 1, 2019 (HB 616, §5). See effective note following Art. 56.021.

**CCP CH. 56, SUB. B DISPOSITION CHART TO CCP CH. 56B**

<u>Ch. 56 reference</u>	<u>New number</u>	<u>Ch. 56 reference</u>	<u>New number</u>	<u>Ch. 56 reference</u>	<u>New number</u>
<b>56.31</b>	56B.001	<b>56.45</b>	56B.107	(f) S1	56B.259
<b>56.311</b>	56B.002	<b>56.46</b>	56B.053	(f) S2	56B.260
<b>56.32</b>		<b>56.47</b>	56B.108	(g)	56B.261
(a)(1)-(5)	56B.003(1)-(5)	<b>56.48</b>		(h)	56B.262(a)
(a)(6)-(10)	56B.003(7)-(11)	(a) S1	56B.351	(i)	56B.262(b)
(a)(11)	56B.003(14)	(a) S2+(1-3)	56B.352	(j)	56B.264
(a)(12)	56B.003(6)	(b)	56B.353	(k)	56B.263
(a)(13)	56B.003(15)	(c) S1	56B.354	(l)	56B.255
(a)(14)*	56B.003(13)	(c) S2	56B.355	<b>56.58</b>	
(b)	56B.003(2)	(d)	56B.356	(a)	56B.201(a)
<b>56.33</b>	56B.004	(e)	56B.357	(b)	56B.201(b)
<b>56.34</b>		<b>56.49</b>		(c)	56B.201(c)
(a)	56B.103(a)	(a) Cl 1	56B.203(a)	<b>56.60</b>	
(b)	56B.103(b)	(a) Cl 2	56B.203(b)	(a)	56B.006
(c)	56B.104(a)	(b)	56B.204	(b)	56B.007
(d)	56B.104(b)	<b>56.50</b>	56B.102	<b>56.61</b>	56B.105
(e)	56B.201(b)	<b>56.51</b>	56B.202	<b>56.62</b>	56B.551
(f)	56B.462	<b>56.52</b>		<b>56.63</b>	56B.552
<b>56.35</b>	56B.101	(a) S1	56B.401	<b>56.64</b>	
<b>56.36</b>	56B.051	(a) S2+(1-3)	56B.402	(a)	56B.501(a)
<b>56.37</b>	56B.052	(b)	56B.403	(b)	56B.501(b)
<b>56.38</b>		(c) S1	56B.404(a)	(c)	56B.502(a)
(a) S1	56B.054(a)	(c) S2	56B.404(b)	(d)	56B.502(b)
(a) S2+(1-2)	56B.054(c)	(c) S3	56B.404(c)	(e)	56B.503(a)
(b)	56B.054(d)	(c) S4	56B.404(d)	(f)	56B.503(b)
(c)	56B.054(e)	(c) S5	56B.405(a)	(g) S1	56B.504(a)
(d)	56B.054(f)	(d)	56B.405(b)	(g) S2	56B.504(b)
<b>56.385</b>		<b>56.53</b>	56B.005	(g) S3	56B.505(a)
(a)	56B.054(b)	<b>56.54</b>		(h)	56B.505(b)
(b)	56B.104(c)	(a)	56B.452(a)	(i)	56B.506(a)
(c)	56B.104(d)	(b) S1	56B.453(b)	(j)	56B.506(b)
<b>56.39</b>	56B.055	(b) S2-3	56B.453(c)	(k) S1	56B.506(c)
<b>56.40</b>	56B.056	(d)	56B.454(a)	(k) S2	56B.506(d)
<b>56.41</b>	56B.057	(e)	56B.454(b)	(l)	56B.507
<b>56.42*</b>	56B.106	(f)	56B.457	(m)	—
<b>56.43</b>		(g) S1	56B.453(a)	(n)	56B.508
(a) S1	56B.301(a)	(g) S2	56B.452(b)	(o) S1 Cl 1	56B.509(a)
(a) S2	56B.302(a)	(h)	56B.455	(o) S1 Cl 2	56B.509(b)
(a) S3	56B.302(b)	(i)	56B.458	(o) S2	56B.510(a)
(b)	56B.301(b)	(j)	56B.459	(o) S3	56B.510(b)
(c)	56B.301(c)	(k)*	56B.453(d)	(p)	56B.511
(d)	56B.302(c)	(l)	56B.461	(q)	56B.513
(e)	56B.301(d)	(m)	56B.456	(r)	56B.512
<b>56.44</b>		<b>56.541</b>	56B.460	<b>56.65</b>	56B.058
(a) S1	56B.151	<b>56.542</b>			
(a) S2	56B.152	(a)	56B.251		
(a) S3	56B.153(a)	(b) Cl 1	56B.252		
(b)	56B.153(b)	(b) Cl 2	56B.253		
(c)	56B.153(c)	(b)(1)-(2)	56B.254		
(d)	56B.154	(c)	56B.256		
		(d)	56B.257		
		(e)	56B.258		

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\* = Amendments made to statute in same session (2019) that are not accounted for in the nonsubstantive rewrite of HB 4173.

**CCP CH. 56B SOURCE CHART FROM CCP CH. 56, SUB. B**

<b>New Art.</b>	<b>Ch. 56B reference</b>	<b>New Art.</b>	<b>Ch. 56B reference</b>	<b>New Art.</b>	<b>Ch. 56B reference</b>
<b>56B.001</b>	56.31	<b>56B.154</b>	46.44(d)	<b>56B.451</b>	new
<b>56B.002</b>	56.311	<b>56B.201</b>	(a) 56.58(a)	<b>56B.452</b>	(a) 56.54(a)
<b>56B.003</b>	(1) 56.32(a)(1)	(b) 56.34(e), 56.58(b)	(b) 56.54(g)	(b) 56.54(g) S2	
(2)	56.32(a)(2), (b)	(c) 56.58(c)			
(3)-(5)	56.32(a)(3)-(5)	<b>56B.202</b>	56.51	<b>56B.453</b>	(a) 56.54(g) S1
(6)	56.32(a)(12)	<b>56B.203</b>	(a) 56.49(a) Cl 1	(b) 56.54(b) S1	
(7)-(11)	56.32(a)(6)-(10)	(b) 56.49(a) Cl 2	(c) 56.54(b) S1	(c) 56.54(b) S2-3	
(12)	56.01(2-a)	(d)* 56.54(k)	(d)* 56.54(k)		
(13)*	56.32(a)(14)	<b>56B.204</b>	56.49(b)	<b>56B.454</b>	(a) 56.54(d)
(14)	56.32(a)(11)	<b>56B.251</b>	56.542(a)	(b) 56.54(e)	
(15)	56.32(a)(13)	<b>56B.252</b>	56.542(b) Cl 1	<b>56B.455</b>	56.54(h)
<b>56B.004</b>	(a) 56.33(a) Cl 1	<b>56B.253</b>	56.542(b) Cl 2	<b>56B.456</b>	56.54(m)
(b)	56.33(a) Cl 2	<b>56B.254</b>	56.542(b)(1)-(2)	<b>56B.457</b>	56.54(f)
(c)	56.33(b)	<b>56B.255</b>	56.542(l)	<b>56B.458</b>	56.54(i)
<b>56B.005</b>	56.53	<b>56B.256</b>	56.542(c)	<b>56B.459</b>	56.54(j)
<b>56B.006</b>	(a) 56.60(a) S1	<b>56B.257</b>	56.542(d)	<b>56B.460</b>	56.541
(b)	56.60(a) S2	<b>56B.258</b>	56.542(e)	<b>56B.461</b>	56.54(l)
<b>56B.007</b>	56.60(b)	<b>56B.259</b>	56.542(f) S1	<b>56B.462</b>	56.34(f)
<b>56B.051</b>	56.36	<b>56B.260</b>	56.542(f) S2	<b>56B.501</b>	(a) 56.64(a)
<b>56B.052</b>	56.37	<b>56B.261</b>	56.542(g)	(b) 56.64(b)	
<b>56B.053</b>	56.46	<b>56B.262</b>	(a) 56.542(h)	<b>56B.502</b>	(a) 56.64(c)
<b>56B.054</b>	(a) 56.38(a) S1	(b) 56.542(i)	(b) 56.64(d)	(b) 56.64(d)	
(b)	56.385(a)	<b>56B.263</b>	56.542(k)	<b>56B.503</b>	(a) 56.64(e)
(c)	56.38(a) S2	<b>56B.264</b>	56.542(j)	(b) 56.64(f)	
(d)	56.38(b)	<b>56B.301</b>	(a) 56.43(a) S1	<b>56B.504</b>	(a) 56.64(g) S1
(e)	56.38(c)	(b) 56.43(b)	(b) 56.64(g) S2	(b) 56.64(g) S2	
(f)	56.38(d)	(c) 56.43(c)	<b>56B.505</b>	(a) 56.64(g) S3+(1-2)	
<b>56B.055</b>	56.39	(d) 56.43(e)	(b) 56.64(h)	(b) 56.64(h)	
<b>56B.056</b>	56.40	<b>56B.302</b>	(a) 56.43(a) S2	<b>56B.506</b>	(a) 56.64(i)
<b>56B.057</b>	56.41	(b) 56.43(a) S3	(b) 56.64(j)	(b) 56.64(k) S1	
<b>56B.058</b>	56.65	(c) 56.43(d)	(c) 56.64(k) S2-3	(d) 56.64(k) S2-3	
<b>56B.101</b>	56.35	<b>56B.351</b>	56.48(a) S1	<b>56B.507</b>	56.64(l)
<b>56B.102</b>	56.50	<b>56B.352</b>	56.48(a) S2+(1-3)	<b>56B.508</b>	56.64(n)
<b>56B.103</b>	(a) 56.34(a)	<b>56B.353</b>	56.48(b)	<b>56B.509</b>	(a) 56.64(o) S1
(b)	56.34(b)	<b>56B.354</b>	56.48(c) S1	(b) 56.64(o) S2	
<b>56B.104</b>	(a) 56.34(c)	<b>56B.355</b>	56.48(c) S2	<b>56B.510</b>	(a) 56.64(c) S3
(b)	56.34(d)	<b>56B.356</b>	56.48(d)	(b) 56.64(c) S4	
(c)	56.385(b)	<b>56B.357</b>	56.48(e)	<b>56B.511</b>	56.64(p)
(d)	56.385(c)	<b>56B.401</b>	56.52(a) S1	<b>56B.512</b>	56.64(r)
<b>56B.105</b>	56.61	<b>56B.402</b>	56.52(a) S2+(1-3)	<b>56B.513</b>	56.64(q)
<b>56B.106*</b>	56.42	<b>56B.403</b>	56.52(b)	<b>56B.551</b>	56.62
<b>56B.107</b>	56.45	<b>56B.404</b>	(a) 56.52(c) S1	<b>56B.552</b>	56.63
<b>56B.108</b>	56.47	(b) 56.52(c) S2	(b) 56.52(c) S2		
<b>56B.151</b>	56.44(a) S1	(c) 56.52(c) S3	(c) 56.52(c) S3		
<b>56B.152</b>	56.44(a) S2	(d) 56.52(c) S4	(d) 56.52(c) S4		
<b>56B.153</b>	(a) 56.44(a) S3	<b>56B.405</b>	(a) 56.52(c) S5		
(b)	56.44(b)	(b) 56.52(d)	(b) 56.52(d)		
(c)	56.44(c)				

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