

Updated Notification Requirement for Victims in Old 3g Cases (HB 104)

House Bill 104, passed during the regular session of the 85th Texas Legislature, created Code of Criminal Procedure art. 2.023, which requires notification to a victim of serious felony offenses found at CCP art. 42A.054, that his or her assailant has been charged with a new serious felony offense under art. 42A.054.

The 86th Texas Legislature passed House Bill 2758 which expanded CCP art 42A.054 to include Continuous Trafficking of Persons and Aggravated Promotion of Prostitution. The 88th Texas Legislature passed House Bill 1227 which expanded CCP art. 42A.54 to include Possession or Promotion of Child Pornography. The 89th Texas Legislature passed House Bill 1422 and SB 1021 which expanded CCP art. 42A.054 to include Continuous Sexual Abuse and Stalking. **[See art. 2.023 and the list of applicable offenses below]** This notification requires collaboration between the TDCJ Victim Services Division and prosecutor offices. To help prosecutors comply with this new legislation, TDCJ VSD has developed an online submission form that can be found on their Integrated Victim Services System (IVSS) Portal here: <https://ivss.tdcj.texas.gov>

Code of Criminal Procedure Art. 2.023. Notification to Texas Department of Criminal Justice

(a) This article applies only to a defendant who, in connection with a previous conviction for an offense listed in Article 42A.054(a) or for which the judgment contains an affirmative finding under Article 42A.054(c) or (d):

- (1) received a sentence that included imprisonment at a facility operated by or under contract with the Texas Department of Criminal Justice; and
- (2) was subsequently released from the imprisonment, including a release on parole, to mandatory supervision, or following discharge of the defendant's sentence.

(b) Not later than the 10th day after the date that a defendant described by Subsection (a) is indicted for an offense listed in Article 42A.054(a) or for which the judgment contains an affirmative finding under Article 42A.054(c) or (d), the attorney representing the state shall notify an officer designated by the Texas Department of Criminal Justice of the offense charged in the indictment.

Added by Acts 2017, 85th Leg., R.S., Ch. 772, §1 (HB 104), eff. September 1, 2017. The notification requirement applies to criminal cases indicted on or after Dec. 1, 2017.

CCP 42A.054(a) crimes:

- Any offense with affirmative finding of a deadly weapon [CCP art. 42A.054(c)]
- Any offense with affirmative finding of a firearm as deadly weapon [CCP art. 42A.054(d)]
- Criminal solicitation of a capital offense [PC §15.03, charged as a first-degree felony]
- Murder [PC §19.02]
- Capital Murder [PC §19.03]
- Aggravated Kidnapping [PC §20.04]
- Trafficking of Persons [PC §20A.02]
- Continuous Trafficking of Persons [PC §20A.02]
- Continuous Sexual Abuse [PC §21.03]
- Indecency with a child by contact [PC §21.11]
- Sexual Assault [PC §22.011]
- Aggravated Sexual Assault [PC §22.021]
- Injury to a Child, Elderly Individual, or Disabled Individual [PC §22.04(a)(1), charged as a first-degree felony and committed against a child]
- Aggravated Robbery [PC §29.03]
- Burglary of a Habitation [PC §30.02, punished under (d)] with the intent to commit:
 - Continuous Sexual Abuse of a Child [PC §21.02],
 - Continuous Sexual Abuse [PC §21.03],
 - Indecency with a Child [PC §21.11],
 - Sexual Assault [PC §22.011],
 - Aggravated Sexual Assault [PC §22.021], **OR**
 - Prohibited Sexual Conduct [PC §25.02]
- Stalking [PC §42.072]
- Aggravated Promotion of Prostitution [PC §43.04]
- Compelling Prostitution [PC §43.05]
- Sexual Performance by a Child [PC §43.25]
- Possession or Promotion of Child Pornography [PC §43.26]
- Controlled Substance Act violations, including:
 - Punishment increased under H&S §481.140, by using a child (younger than 18) to commit or assist in:
 - Manufacture or Delivery of Substance in Penalty Groups 1, 1-A, 2, 2A, 3, or 4 [H&S §§481.112–.114],
 - Delivery of Marihuana [H&S §481.120],
 - Delivery of Controlled Substance or Marihuana to Child [H&S §481.122], **OR**
 - Subsequent conviction that has punishment increased under H&S §481.134(c)–(f) (drug-free school zones)

Updated by Acts 2019, 86th Leg., R.S., Ch. 1137, (HB 2758), eff. September 1, 2019.