

House

Committee on Criminal Jurisprudence
Old Supreme Court Room

April 1, 1981
2:00 p.m.

Public Notice having been posted on March 27, 1981 at 11:30 a.m., the Committee on Criminal Jurisprudence met in Public Hearing at 2:00 p.m. on April 1, 1981 in the Old Supreme Court Room and was called to order by the Chairman, Mr. Nabers.

The roll was answered as follows:

Present: Nabers, Cofer, Hernandez, Browder, Burnett, Maloney,
Waldrop (7)

Absent: Hudson, Jones, Smith, Uher (4)

A quorum was present.

H.B. 1466 by Evans

The Chair laid out H.B. 1466 for discussion.

Mr. Jones now present.

Mr. Browder moved H.B. 1466 be reported back to the full House with a favorable recommendation.

The motion prevailed in a roll call vote (Record Vote #1) reflected as follows:

Ayes: Nabers, Hernandez, Browder, Burnett, Maloney, Waldrop, Jones (7)

Nays: None (0)

Present, not voting: None (0)

H.B. 879 by Blythe

The Chair left H.B. 879 pending for the April 15th meeting.

H.B. 717 by Geistweidt

The Chair laid out H.B. 717 for discussion.

Mr. Browder sent up a committee substitute for H.B. 717 and moved its adoption.

There being no objection, the committee substitute was adopted.

Mr. Browder moved H.B. 717, as substituted, be reported back to the full House with a favorable recommendation.

The motion prevailed in a roll call vote (Record Vote #2) reflected as follows:



April 1, 1981

Ayes: Nabers, Browder, Burnett, Jones, Maloney, Smith, Waldrop (7)

Nays: None (0)

Present, not voting: Hernandez (1)

Mr. Smith now present.

H.B. 688 by Madla

Mr. Browder moved H.B. 688 be tabled subject to the call of the Chair.

There being no objection, H.B. 688 was laid on the table.

H.B. 1743 by Maloney

The Chair laid out H.B. 1743 for discussion.

Mr. Maloney moved H.B. 1743 be reported back to the House with a favorable recommendation.

The motion prevailed in a roll call vote (Record Vote #3) reflected as follows:

Ayes: Nabers, Browder, Burnett, Jones, Maloney, Smith, Waldrop (7)

Nays: None (0)

Present, not voting: Hernandez (1)

H.B. 1695 by Maloney

The Chair laid out H.B. 1695 for discussion.

Mr. Maloney moved H.B. 1695 be reported back to the House with a favorable recommendation.

The motion prevailed in a roll call vote (Record Vote #4) reflected as follows:

Ayes: Nabers, Hernandez, Browder, Burnett, Jones, Maloney, Smith
Waldrop (8)

Nays: None (0)

Present, not voting: None (0)

Subcommittee Reports

S.B. 373 by Short

The Chair laid out S.B. 373 and recognized Mr. Waldrop for a subcommittee report.

House

Committee on Criminal Jurisprudence
Page 3

April 1, 1981

Mr. Waldrop sent up the subcommittee report for S.B. 373 and moved its adoption.

There being no objection, the subcommittee report was adopted.

Mr. Waldrop moved S.B. 373 be reported back to the House with a favorable recommendation and that it be placed on the Consent Calendar.

The motion prevailed in a roll call vote (Record Vote #5) reflected as follows:

Ayes: Nabers, Hernandez, Browder, Burnett, Jones, Maloney, Smith,
Waldrop (8)

Nays: None (0)

Present, not voting: None (0)

H.B. 1164 by Jones

The Chair laid out H.B. 1164 and recognized Mr. Burnett for a subcommittee report.

Mr. Burnett moved the adoption of the subcommittee report.

There being no objection, the subcommittee report was adopted.

Mr. Burnett moved H.B. 1164 be reported back to the House with a favorable recommendation.

The motion prevailed in a roll call vote (Record Vote #6) reflected as follows:

Ayes: Nabers, Hernandez, Browder, Burnett, Jones, Maloney, Smith,
Waldrop (8)

Nays: None (0)

Present, not voting: None (0)

S.B. 293 by Ogg / HB 1165

The Chair laid out S.B. 293 and recognized Mr. Burnett for a subcommittee report.

Mr. Burnett moved the adoption of the subcommittee report.

There being no objection, the subcommittee report was adopted.

Mr. Burnett moved S.B. 293 be reported back to the House with a favorable recommendation and that it be placed on the Consent Calendar.



HOUSE

Committee on Criminal Jurisprudence
Page 4

April 1, 1981

The motion prevailed in a roll call vote (Record Vote #7) reflected as follows:

Ayes: Nabers, Browder, Burnett, Jones, Maloney, Smith, Waldrop (7)

Nays: None (0)

Present, not voting: Hernandez (1)

H.B. 1166 by Jones

The Chair laid out H.B. 1166 and recognized Mr. Burnett for a subcommittee report.

Mr. Jones sent up a committee substitute and moved its adoption.

There being no objection, a committee substitute was adopted.

Mr. Jones moved H.B. 1166, as substituted, be reported back to the House with a favorable recommendation.

The motion prevailed in a roll call vote (Record Vote #8) reflected as follows:

Ayes: Nabers, Browder, Burnett, Jones, Maloney, Smith, Waldrop (7)

Nays: None (0)

Present, not voting: Hernandez (1)

H.B. 1167 by Jones

The Chair laid out H.B. 1167 and recognized Mr. Burnett for a subcommittee report.

Mr. Burnett moved the adoption of the subcommittee report.

There being no objection, the subcommittee report was adopted.

Mr. Burnett moved H.B. 1167 be reported back to the House with a favorable recommendation.

The motion prevailed in a roll call vote (Record Vote #9) reflected as follows:

Ayes: Nabers, Hernandez, Browder, Burnett, Jones, Maloney, Smith,
Waldrop (8)

Nays: None (0)

Present, not voting: None (0)



H.B. 733 by Evans

The Chair laid out H.B. 733 and recognized Mr. Smith for a subcommittee report.

Mr. Smith sent up Committee Amendment #1 and moved its adoption.

There being no objection, Committee Amendment #1 was adopted.

Mr. Smith sent up Committee Amendment #2 and moved its adoption.

There being no objection, Committee Amendment #2 was adopted.

Mr. Smith sent up Committee Amendment #3 and moved its adoption.

There being no objection, Committee Amendment #3 was adopted.

Mr. Hernandez moved H.B. 733 be postponed until next week.

Mr. Jones moved to table Mr. Hernandez' motion as a substitute motion.

The motion to table prevailed in a roll call vote (Record Vote #10) reflected as follows:

Ayes: Browder, Burnett, Jones, Maloney, Smith, Waldrop (6)

Nays: Hernandez (1)

Present, not voting: Nabers (1)

VERY END OF
TAPE 1
SIDE A

Mr. Browder sent up Committee #4 and moved its adoption.

The motion prevailed in a roll call vote (Record Vote #11) reflected as follows:

Ayes: Nabers, Browder, Burnett, Jones, Waldrop (5)

Nays: Hernandez, Smith (2)

Present, not voting: Maloney (1)

(TAPES 1-3)

Mr. Hudson now present.

Mr. Burnett sent up Committee Amendment #5 and moved its adoption.

There being no objection, Committee Amendment #5 was adopted.

Mr. Smith sent up C.S.H.B. 733 and moved its adoption.

There being no objection, the substitute was adopted.

Mr. Smith moved H.B. 733, as substituted, be reported back to the House with a favorable recommendation.

The motion prevailed in a roll call vote (Record Vote #12) reflected as follows:

Nabers

HOUSE

Committee on Criminal Jurisprudence
Page 6

April 1, 1981

Ayes: Nabers, Browder, Burnett, Hudson, Jones, Maloney, Smith,
Waldrop (8)

Nays: Hernandez (1)

Present, not voting: None (0)

H.B. 1143 by Cain

The subcommittee report for H.B. 1143 is left pending.

REGULAR AGENDA - NEW BILLS

H.B. 1348 by Hernandez (Left pending from 3-25 meeting but not heard by the Committee)

The Chair laid out H.B. 1348 and recognized Mr. Hernandez to explain it.

The Chair recognized Bill Holchak, Assistant to Bexar County Judge, San Antonio, representing himself, to speak for H.B. 1348.

The Chair recognized Carlie E. Evans, Sr., Planner for Alamo Area Council of Governments, San Antonio, representing the executive committee of AACOG, and the Texas Association of Criminal Justice Planners, to speak against H.B. 1348.

The Chair recognized Steven Dial, Executive Director, Texas District and County Attorneys Association, Austin, to speak on H.B. 1348.

The Chair recognized John Forbes, Justice of the Peace, Arlington, representing himself and the Justices of the Peace and Constables Association of Texas, to speak against H.B. 1348.

The Chair recognized Mr. Hernandez to close on his bill.

Mr. Smith moved H.B. 1348 be referred to a subcommittee to be named by the Chair.

There being no objection, it was so ordered.

H.B. 1135 by Lewis

Mr. Uher now present.

The Chair laid out H.B. 1135 and recognized Mr. Lewis to explain it.

The Chair recognized Ray Speece, Attorney, Houston, representing the Harris County District Attorneys Office, to speak for H.B. 1132.

The Chair recognized Bud Schauerte, American General Corporation, Houston, representing the Houston Chamber of Commerce, to speak for H.B. 1135.



April 1, 1981

The Chair recognized Kelly Loving, Assistant District Attorney, Dallas, representing the Dallas D.A.'s Office, to speak for H.B. 1135.

The Chair recognized Rusty Duncan, Attorney, Denton, representing the Texas Criminal Defense Lawyers Association, to speak against H.B. 1135.

The Chair recognized Mr. Lewis to close on his bill.

Mr. Jones moved H.B. 1135 be referred to a subcommittee to be named by the Chair.

There being no objection, it was so ordered.

H.B. 1745 by Uher (Pending from 3-25)

The Chair laid out H.B. 1745 and recognized Mr. Uher to explain his bill.

Mr. Uher moved H.B. 1745 be reported back to the full House with a favorable recommendation.

The motion prevailed in a roll call vote (Record Vote #13) reflected as follows:

Ayes: Nabers, Hernandez, Browder, Hudson, Jones, Maloney, Smith, Uher,
Waldrop (9)

Nays: None (0)

Present, not voting: None (0)

Mr. Uher moved H.B. 1745 be placed on the Consent Calendar.

The motion prevailed in a roll call vote to be the same as above.

Ayes: Nabers, Hernandez, Browder, Hudson, Jones, Maloney, Smith, Uher
Waldrop (9)

Nays: None (0)

Present, not voting: None (0)

S.B. 353 by Ogg (Lyon)

The Chair laid out S.B. 353 and recognized Mr. Lyon to explain it.

The Chair recognized Ray Speece, Attorney, Houston, representing the Harris County D.A.'s Office, to speak for S.B. 353.

The Chair recognized Mr. Lyon to close.

Mr. Maloney moved S.B. 353 be reported back to the House with a favorable recommendation.



The motion prevailed in a roll call vote (Record Vote #14) reflected as follows:

Ayes: Nabers, Hernandez, Browder, Burnett, Hudson, Jones, Maloney,
Smith, Waldrop (9)

Nays: None (0)

Present, not voting: None (0)

Mr. Jones moved the same vote be used to place S.B. 353 on the Consent Calendar.

There being no objection, the same vote is reflected as follows:

Ayes: Nabers, Hernandez, Browder, Burnett, Hudson, Jones, Maloney,
Smith, Waldrop (9)

Nays: None (0)

Present, not voting: None (0)

*BEGINS ABOUT 1/3
WAY THROUGH TAP 2-B
& CONTINUES ONTO TAP 3-A*

H.B. 2153 by Nabers.

The Chair laid out H.B. 2153.

The Chair recognized Guy Jones, District Judge, Texarkana, representing himself, to speak for H.B. 2153.

Mr. Browder moved H.B. 2153 be referred to a subcommittee to be named by the Chair.

There being no objection, it was so ordered.

H.B. 1132 by McFarland

The Chair laid out H.B. 1132 and recognized Mr. McFarland to explain it.

The Chair recognized Kelly Loving, Assistant D.A., Dallas, representing the Dallas D.A.'s Office, to speak for H.B. 1132.

The Chair recognized Rusty Duncan, Attorney, Denton, representing the Texas Criminal Defense Lawyers Association, to speak regarding H.B. 1132. It was moved and seconded to refer H.B. 1132 to a subcommittee to be named by the chair.

H.B. 5, H.B. 1459, H.B. 1486 and H.B. 198 (Offenses against the elderly)
Due to the late posting of H.B. 198 at 4:30 on 3-27-81, these bills were laid out at 5:05 p.m.

H.B. 5 by Schlueter

The Chair laid out H.B. 5 and recognized Mr. Jones to explain it.

The Chair laid out H.B. 1486 and H.B. 5 and recognized Mr. Polumbo to explain them.

April 1, 1981

The Chair recognized Rusty Duncan, Attorney, Denton, representing Texas Criminal Defense Attorneys Association, to speak for the bills.

The Chair recognized Chuck Campbell, Assistant Attorney General, Austin, representing the A.G.'s Office, to speak for H.B. 5.

The Chair recognized Mr. Gibson to close on the bills.

The Chair recognized Mr. Jones to close.

The Chair recognized Mr. Polumbo to close.

Mr. Jones moved H.B. 1486, H.B. 1459, H.B. 198 and H.B. 5 be referred to a subcommittee to be named by the Chair.

There being no objection, it was so ordered.

H.B. 647 by Willis

The Chair laid out H.B. 647 and recognized Mr. Willis to explain it.

H.B. 42 by Willis

The Chair laid out H.B. 42 and recognized Mr. Willis to explain it.

Mr. Browder moved H.B. 647 and H.B. 42 be referred to a subcommittee to be named by the Chair.

There being no objection, it was so ordered.

H.B. 747 by Bush

The Chair laid out H.B. 747 and recognized Mr. Bush to explain it.

Mr. Browder moved H.B. 747 be referred to a subcommittee to be named by the Chair.

There being no objection, it was so ordered.

H.B. 359 by Salinas

H.B. 359 was left pending before the Committee.

S.B. 25 by Brooks (Watson)

The Chair laid S.B. 25 and recognized Mr. Watson to explain it.

The Chair recognized Leonard Peck, Attorney, T.D.C., representing T.D.C. to speak as a resource witness for S.B. 25.

The Chair recognized Richard Orton, Public Education Director of the Rape Crisis Center, Austin, representing Texas Association Against Sexual Assault to speak for S.B. 25.



April 1, 1981

The Chair recognized Linda Secord, Legal Intern Texas A.G.'s Office, Austin, representing Texas Women's Political Caucus, to speak for S.B. 25.

The Chair recognized Kathleen Hamilton, Social Work Administration, Austin, representing D.H.R., to speak as a resource witness for S.B. 25.

Mr. Browder moved S.B. 25 be referred to a subcommittee to be named by the Chair.

There being no objection, it was so ordered.

S.B. 384 by Caperton

The Chair laid out S.B. 384 and recognized Mr. Browder to explain it.

The Chair recognized Ron Hinds, Assistant D.A., Dallas, representing the Dallas D.A.'s Office, to speak for S.B. 384.

The Chair recognized Stephen B. Edwards, Assistant A.G., Austin, representing himself, to speak for S.B. 384.

The Chair recognized Kelly Loving, Assistant D.A., Dallas, representing the Dallas D.A.'s Office, to speak for S.B. 384.

The Chair recognized Rusty Duncan, Attorney, Denton, representing the Texas Criminal Defense Lawyers Association, to speak against S.B. 384.

Mr. Browder moved S.B. 384 be referred to a subcommittee to be named by the Chair.

There being no objection, it was so ordered.

H.B. 2150 by Nabers

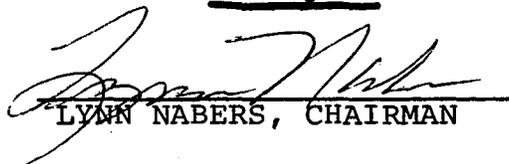
H.B. 2150 was left pending before the Committee.

H.B. 9 by Smith, C.

H.B. 9 was left pending before the Committee.

Mr. Browder moved the Committee stand recessed subject to the call of the Chair.

There being no objection, the Committee recessed at 6:00 p.m.


LYNN NABERS, CHAIRMAN


Missy Jackson, Clerk

ROLL SHEET FOR CRIMINAL JURISPRUDENCE

4/1/81

MEMBERS	HB.	HB.	SB						
	1745	733	353						
Nabers - Chr.	A	A	A						
Cofer - V.C.									
Hernandez - CBO	A	A	A						
Browder	A	A	A						
Burnett		A	A						
Hudson	A	A	A						
Jones	A	A	A						
Maloney	A	A	A						
Smith, T.	A	A	A						
Uher	A	A							
Waldrop	A	A	A						