

## **BILL ANALYSIS**

C.S.H.B. 3655  
By: Herrero  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that the use of global positioning monitoring technology can help keep a victim of family violence safe while the defendant accused of hurting the victim is free on bond, but express concern that not enough counties are utilizing such technology because of the costs involved. C.S.H.B. 3655 seeks to address this issue through the establishment of a grant program for monitoring defendants and victims in family violence cases.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3655 amends the Government Code to require the criminal justice division of the governor's office to establish and administer a grant program to reimburse counties for all or part of the costs incurred by counties as a result of monitoring in cases involving family violence defendants and victims who participate in a global positioning monitoring system under a magistrate's order and to establish additional eligibility criteria for grant applicants, grant application procedures, guidelines relating to grant amounts, procedures for evaluating grant applications, and procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant. The bill requires the criminal justice division to include in the division's biennial report to the legislature a detailed reporting of the results and performance of the grant program. The bill provides for the definition of "family violence." The bill authorizes the criminal justice division to use any revenue available for purposes of the grant program.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3655 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 772, Government Code, is amended by adding Section 772.0073 to read as follows:

Sec. 772.0073. GRANT PROGRAM FOR MONITORING DEFENDANTS AND VICTIMS IN FAMILY VIOLENCE CASES. (a) In this section:

(1) "Criminal justice division" means the criminal justice division established under Section 772.006.

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

(b) The criminal justice division, in consultation with the Texas Council on Family Violence, shall establish and administer a grant program to reimburse counties for all or part of the costs incurred by counties as a result of monitoring in cases involving family violence defendants and victims who participate in a global positioning monitoring system under Article 17.292 or 17.49, Code of Criminal Procedure.

(c) The criminal justice division, in consultation with the Texas Council on Family Violence, shall establish:

(1) additional eligibility criteria for grant applicants;

(2) grant application procedures;

(3) guidelines relating to grant amounts;

(4) procedures for evaluating grant applications; and

(5) procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

(d) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) a detailed reporting of the results and performance of the grant program administered under this section.

(e) The criminal justice division may use all revenue available for purposes of this section other than funding received under the Victims of Crime Act of 1984 (Title II, Pub. L. No. 98-473), the Violence Against Women Act of 1994 (Title IV, Pub. L. No. 103-322), or the Violence Against Women Act of 2000 (Division B, Pub. L. No. 106-386).

SECTION 2. This Act takes effect immediately if it receives a vote of two-

HOUSE COMMITTEE SUBSTITUTE

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(1) "Criminal justice division" means the criminal justice division established under Section 772.006.

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

(b) The criminal justice division shall establish and administer a grant program to reimburse counties for all or part of the costs incurred by counties as a result of monitoring in cases involving family violence defendants and victims who participate in a global positioning monitoring system under Article 17.292 or 17.49, Code of Criminal Procedure.

(c) The criminal justice division shall establish:

(1) additional eligibility criteria for grant applicants;

(2) grant application procedures;

(3) guidelines relating to grant amounts;

(4) procedures for evaluating grant applications; and

(5) procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

(d) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) a detailed reporting of the results and performance of the grant program administered under this section.

(e) The criminal justice division may use any revenue available for purposes of this section.

SECTION 2. Same as introduced version.

thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.