

## **BILL ANALYSIS**

C.S.H.B. 3819  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties suggest that more protections should be provided to protect victims from unwanted contact with incarcerated defendants. C.S.H.B. 3819 seeks to address this issue by revising the conduct that constitutes the offense of improper contact with a victim of a criminal offense and providing certain rights to a victim and the victim's family regarding contact by an inmate or an inmate's representative.

### **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. 3819 amends the Government Code to establish that a victim, guardian of a victim, or close relative of a deceased victim has the right to consent to contact or to request no contact from an inmate, defined for purposes of these provisions as a defendant in the victim's case who is sentenced to a term of imprisonment in a facility operated by or under contract with the Texas Department of Criminal Justice (TDCJ), or an inmate's representatives, defined for purposes of these provisions as any third party working on behalf of an inmate, including a family member of, friend of, or attorney for the inmate. The bill requires an inmate or an inmate's representative to determine whether a victim, guardian of a victim, or close relative of a deceased victim has consented to contact or requested no contact from the inmate or the inmate's representatives before contacting the victim, guardian of the victim, or close relative of the deceased victim. The bill prohibits an inmate or an inmate's representative from contacting a victim, guardian of a victim, or close relative of a deceased victim if no contact from the inmate or the inmate's representatives was requested. The bill requires TDCJ, if TDCJ is notified or otherwise becomes aware that an inmate or an inmate's representative contacted a victim, guardian of a victim, or close relative of a deceased victim without consent, to document the violation in the inmate's file and to forward documentation of the violation, including documentation of whether the inmate was aware of the violation, to the appropriate parole panel when the inmate is being considered for release on parole or to mandatory supervision. The bill authorizes a victim, guardian of a victim, or close relative of a deceased victim who consents to contact or requests no contact from the inmate or the inmate's representatives to change that election by contacting the victim services division of TDCJ. The bill requires TDCJ to post on its website as part of the Offender Information Details section of the website, or on another similar section of the website that displays information about inmates imprisoned in facilities operated by or under contract with TDCJ, whether a victim, guardian of a victim, or close relative of a deceased victim consented to

contact or requested no contact from the inmate or the inmate's representatives.

C.S.H.B. 3819 requires TDCJ to adopt policies that prohibit an inmate in the institutional division or in a transfer facility from contacting by letter, telephone, or any other means, either directly or indirectly, a victim of the offense for which the inmate is serving a sentence or a member of the victim's family if the victim was 17 years of age or older at the time of the commission of the offense; the inmate is confined after being convicted of certain offenses; and TDCJ has not, before the inmate makes contact, received written and dated consent to the contact from the victim and provided the inmate with a copy of the consent. The bill includes an inmate violating such a policy among conditions under which TDCJ is required to forfeit all or any part of the inmate's accrued good time conduct. The bill specifies that the written consent to inmate contact received for purposes of the prohibition against an inmate contacting a victim of an offense who was younger than 17 years of age at the time of commission of the offense for which the inmate is serving a sentence must be dated. The bill authorizes a parole panel considering the release of an inmate on parole or to mandatory supervision to consider whether the inmate engaged in, or directed another person to engage in, conduct that violates the bill's provisions relating to contact by an inmate or inmate's representative with a victim or certain other person.

C.S.H.B. 3819 amends the Penal Code to expand the conduct constituting an offense of improper contact with a victim to include contact by a person confined in a correctional facility after being charged with or convicted of certain violent offenses or after being convicted of an offense for which the judgment contains certain affirmative findings relating to the use or exhibition of a deadly weapon. The bill includes among the recipients of such conduct constituting the offense a victim of an offense who was 17 years of age or older at the time of the commission of the offense for which the person is confined.

C.S.H.B. 3819 amends the Code of Criminal Procedure to make a conforming change.

**EFFECTIVE DATE**

September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3819 differs from the original in minor or nonsubstantive ways by conforming to certain bill drafting conventions and by amending the caption.