

**SUBJECT:** Unauthorized absence from correctional centers or sites

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 7 ayes — Place, Talton, Greenberg, Nixon, Pickett, Pitts, Solis  
0 nays  
2 absent — Farrar, Hudson

**SENATE VOTE:** On final approval, April 21 — voice vote

**WITNESSES:** None

**BACKGROUND:** Penal Code sec. 38.113 specifies that individuals on probation who are ordered for detention or treatment in a community correctional center commit a state jail felony (maximum penalty two years in a state jail and a \$4,000 fine) if they fail to report or leave the facility without court or community supervision approval.

**DIGEST:** SB 342 would expand Penal Code sec. 38.11 to apply to persons on community supervision and correctional programming (probation) who are assigned to county correctional centers as well as to community corrections facilities. It would be an offense to leave or fail to report to assignments made by a court or by a corrections department or director of a facility or center. The bill would take effect September 1, 1995, and would apply to offenses committed on or after the effective date.

**SUPPORTERS SAY:** SB 342 is necessary to provide a penalty for individuals who are absent without authorization during work release, furlough and other correctional assignments. The law needs to be updated to reflect the expanded range of sentencing options and treatment programs now in use.

**OPPONENTS SAY:** No apparent opposition