

SUBJECT: Requiring TDCJ to notify witnesses of the release or escape of defendants

COMMITTEE: Corrections —favorable, without amendment

VOTE: 4 ayes — Madden, Jones, Allen, McReynolds

0 nays

3 absent — Haggerty, Hochberg, Noriega

WITNESSES: None

BACKGROUND: Code of Criminal Procedure, art. 56.11, requires the Texas Department of Criminal Justice (TDCJ) or a sheriff, whichever has custody of a defendant, to notify the victim whenever defendants complete their sentences or escape from correctional facilities. If TDCJ is required to notify a victim it also is required to notify local law enforcement officials in the county in which a victim lives.

DIGEST: HB 488 would require TDCJ and sheriffs to notify witnesses who testified at a trial against a defendant if a defendant was released or escaped from custody. TDCJ's current responsibility to notify local law enforcement officials would be extended to include situations in which the agency had to notify witnesses.

TDCJ would have to immediately notify witnesses, their guardians, or the close relative of deceased witnesses if they had informed TDCJ that they wanted to be notified when an inmate escaped or was transferred to the custody of a peace officer. It would be the responsibility of witnesses, their guardians, or the close relatives of deceased witnesses to inform TDCJ that they wanted to be notified and to give TDCJ their current addresses. Close relatives of a witness would be defined as a spouse, parent, sibling, or child of a deceased witness.

TDCJ would be required to create and maintain a computerized database of release information and release dates of defendants and to allow victims or witnesses who were entitled to notice about a defendant to access the database via the Internet. TDCJ would have to create the database by March 1, 2006, and allow victims to access it by September 1, 2006.

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HB 488 would take effect September 1, 2005, and would apply only to defendants who are released or escaped on or after that date.