

**SUBJECT:** Notifying certain victims of criminal offenses of subsequent indictments

**COMMITTEE:** Corrections — favorable, without amendment

**VOTE:** 6 ayes — White, Allen, Romero, Sanford, Schaefer, Tinderholt  
0 nays  
1 absent — S. Davis

**WITNESSES:** For — None  
Against — None  
On — Angie McCown, Texas Department of Criminal Justice

**BACKGROUND:** Code of Criminal Procedure, art. 42A.054 prohibits defendants convicted of certain violent offenses or who used or brandished deadly weapons in certain circumstances from being sentenced to community supervision by a judge.

**DIGEST:** HB 104 would require prosecuting attorneys to give notice to the Texas Department of Criminal Justice (TDCJ) within 10 days of a subsequent indictment of an individual who had been released from imprisonment for an offense where judge-ordered community supervision was unavailable. TDCJ would have to make a reasonable effort to notify any victims, guardians of victims, or close relatives of deceased victims who had requested such notice of the offense charged in the indictment. The only indictments requiring notice would be offenses to which judge-ordered community supervision did not apply.

TDCJ would be required to adopt procedures whereby victims, guardians of victims, or close relative of victims of serious offenses could request to be notified of subsequent indictments where judge-ordered community supervision did not apply. TDCJ or the Texas Board of Criminal Justice could not disclose the name or address of victims, their guardians, or their

relatives unless they approved the disclosure or the court determined there was good cause to disclose it.

The bill would take effect September 1, 2017, and would apply only to a criminal case in which the indictment was presented to the court on or after December 1, 2017.

**SUPPORTERS  
SAY:**

HB 104 would help protect victims of violent offenders by keeping them informed about the offender's activities in certain circumstances. While the goal of incarceration is to rehabilitate, many offenders who have completed their sentences are unrepentant and could be dangerous. TDCJ already has other victim notifications in place, and one more type of notification would not create an administrative burden. Notices would be sent only to the individuals who requested them, so those who preferred to be left alone would be.

**OPPONENTS  
SAY:**

No apparent opposition.