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**MINUTES
REVISED
SENATE COMMITTEE ON CRIMINAL JUSTICE**
Wednesday, April 21, 1999
1:00 pm
Capitol Extension, Room E1.016

Pursuant to a notice posted in accordance with Senate Rule 11.11, a public hearing of the Senate Committee on Criminal Justice was held on Wednesday, April 21, 1999 in the Capitol Extension, Room E1.016, at Austin, Texas.

MEMBERS PRESENT:

Senator Kenneth Armbrister
Senator Robert Duncan
Senator Mike Jackson
Senator Jane Nelson
Senator Florence Shapiro
Senator Royce West
Senator John Whitmire

MEMBERS ABSENT:

None

The Chair called the meeting to order at 1:20 pm. There being a quorum present, the following business was transacted.

The following members arrived after the roll was called: none.

Dr. Tony Fabelo, Executive Director of the Criminal Justice Policy Council presented an update on the criminal justice system and pending legislation to the members of the Senate Criminal Justice Committee.

The Chair laid out SB 480 and recognized the author, Senator Bernsen, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. Public testimony was closed.

Senator Whitmire moved that SB 480 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

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SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, April 21, 1999

page 2

Senator Nelson requested unanimous consent to be shown voting aye on SB 480. There being no objection, the motion prevailed.

The Chair laid out SB 247 and recognized the author, Senator Ellis, to explain the bill.

Senator Duncan sent up CSSB 247 and moved adoption, without objection, the committee substitute was adopted.

Witnesses testifying and registering on the bill are shown on the attached list. Public testimony was closed.

Senator West moved that SB 247 do not pass but that CSSB 247 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

Senators Nelson, Shapiro and Whitmire requested unanimous consent to be shown voting aye on CSSB 247. There being no objection, the motion prevailed.

At 2:05 pm Senator Duncan assumed the chair.

The Chair laid out SB 1189 and recognized Senator Armbrister, in the absence of the author, to explain the bill.

Senator Armrister sent up Committee Amendment 1 and moved adoption; without objection, the amendment was adopted.

Witnesses testifying and registering on the bill are shown on the attached list. Public testimony was closed.

SB 1189 was left pending.

At 2:20 pm Senator Armbrister resumed the chair.

The Chair laid out SB 185 and recognized the author, Senator Barrientos, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. Public testimony was closed.

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, April 21, 1999

page 3

Senator Duncan moved that SB 185 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

Senator Nelson, West and Whitmire requested unanimous consent to be shown voting aye on SB 185. There being no objection, the motion prevailed.

Senator Duncan moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The Chair laid out SB 430 and recognized the author, Senator Barrientos, to explain the bill.

Senator Duncan sent up Committee Amendment 1 and moved adoption; without objection, the amendment was adopted.

Witnesses testifying and registering on the bill are shown on the attached list. Public testimony was closed.

Senator Duncan moved that SB 430, as amended, be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent.

Senator Nelson requested unanimous consent to be shown voting aye on SB 430, as amended. There being no objection, the motion prevailed.

Senator Duncan moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The Chair laid out SB 1281 and recognized the author, Senator Wentworth, to explain the bill.

Senator Shapiro sent up CSSB 1281.

Senator Shapiro sent up Committee Amendment 1 and moved adoption; without objection, the amendment was adopted.

Witnesses testifying and registering on the bill are shown on the attached list. Public testimony was closed.

Senator Shapiro requested unanimous consent to incorporate amendments into the committee

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, April 21, 1999

page 4

substitute. There being no objection, the motion prevailed.

Senator Shapiro moved adoption of CSSB 1281, without objection, the committee substitute was adopted.

The bill was left pending at the request of the author.

The Chair brought up SB 326 from pending business.

Senator Whitmire sent up CSSB 326 and moved adoption, without objection, the committee substitute was adopted.

Senator Whitmire moved that SB 326 do not pass but that CSSB 326 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a vote of 4 ayes, 2 nays, 0 present not voting, and 1 absent.

The Chair laid out SB 1100 and recognized the author, Senator Cain, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. Public testimony was closed.

Senator West moved that SB 1100 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

Senators Nelson, Shapiro and Whitmire requested unanimous consent to be shown aye on SB 1100. There being no objection, the motion prevailed.

Senator West moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The Chair laid out SB 962 and recognized the author, Senator Barrientos, to explain the bill.

Senator Jackson sent up Committee Amendment 1 and moved adoption, without objection, the amendment was adopted.

Witnesses testifying and registering on the bill are shown on the attached list. Public testimony was closed.

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, April 21, 1999

page 5

Senator Jackson moved that SB 962, as amended, be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

Senators Nelson, Shapiro and Whitmire requested unanimous consent to be shown voting aye on SB 962, as amended. There being no objection, the motion prevailed.

Senator Jackson moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

At 4:10 pm Senator Jackson assumed the chair.

The Chair laid out SB 1358 and recognized the author, Senator Barrientos, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. Public testimony was closed.

At 4:25 pm Senator Shapiro assumed the chair.

Senator Jackson moved that SB 1358 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

Senators Nelson, Shapiro and Whitmire requested unanimous consent to be shown voting aye on SB 1358. There being no objection, the motion prevailed.

Senator West moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The Chair laid out SB 534 and recognized Senator West, in the absence of the author, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. Public testimony was closed.

Senator Duncan moved that SB 534 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, April 21, 1999

page 6

Senators Nelson, Shapiro and Whitmire requested unanimous consent to be shown voting aye on SB 534. There being no objection, the motion prevailed.

Senator Duncan moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The Chair laid out SB 1650 and recognized the author, Senator Jackson, to explain the bill.

Senator Nelson sent up CSSB 1650 and moved adoption, without objection, the committee substitute was adopted.

Witnesses testifying and registering on the bill are shown on the attached list. Public testimony was closed.

Senator Jackson moved that SB 1650 do not pass but that CSSB 1650 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a vote of 6 ayes, 1 nay, 0 present not voting, and 0 absent.

Senators Nelson and Whitmire requested unanimous consent to be shown voting aye on CSSB 1650. There being no objection, the motion prevailed. Senator Shapiro requested unanimous consent to be shown voting nay on CSSB 1650. There being no objection, the motion prevailed.

At 4:50 pm Senator Duncan assumed the chair.

The Chair brought up SB 739 from pending business.

Senator Armbrister withdrew the previous committee substitute and sent up CSSB 739 and moved adoption, without objection, the committee substitute was adopted.

Senator Jackson moved that SB 739 do not pass but that CSSB 739 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a vote of 5 ayes, 1 nay, 0 present not voting, and 1 absent.

Senator Whitmire requested unanimous consent to be shown voting aye on CSSB 739. There being no objection, the motion prevailed. Senator Nelson requested unanimous consent to be shown voting nay on CSSB 739. There being no objection, the motion prevailed.

The Chair brought up SB 403 from pending business.

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, April 21, 1999

page 7

Senator Armbrister withdrew the committee substitute that had been previously sent up and sent up CSSB 403.

Senator Armrister sent up Committee Amendment 1 and moved adoption, without objection, the committee amendment was adopted.

Senator Armbrister requested unanimous consent to incorporate amendments into the committee substitute. Senator Armbrister then moved that the new committee substitute be adopted; without objection, the substitute was adopted. Senator Jackson moved that SB 403 do not pass but that CSSB 403 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent.

Senators Nelson and Whitmire requested unanimous consent to be shown voting aye on CSSB 403. There being no objection, the motion prevailed.

At 5:20 pm Senator Armbrister resumed the chair.

The Chair brought up SB 280 from pending business.

Senator West sent up CSSB 280 and moved adoption, without objection, the committee substitute was adopted.

Senator West moved that SB 280 do not pass but that CSSB 280 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a vote of 4 ayes, 2 nays, 0 present not voting, and 1 absent.

Senators Nelson and Whitmire requested unanimous consent to be shown voting nay on CSSB 280. There being no objection, the motion prevailed.

Senator Whitmire requested unanimous consent to have CSSB 1607 be recommended for placement on the Local and Uncontested Calendar. There being no objection, the motion prevailed.

Senator Duncan moved adoption of the minutes from April 14, 1999, there being no objection, the motion prevailed.

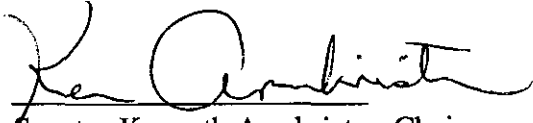
There being no further business, at 5:40 pm Senator Armbrister moved that the Committee stand recessed subject to the call of the Chair. Without objection, it was so ordered.

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, April 21, 1999

page 8

A handwritten signature in cursive script, appearing to read "Ken Armbrister".

Senator Kenneth Armbrister, Chair

A handwritten signature in cursive script, appearing to read "Kelly C. Gilbert".

Kelly C. Gilbert, Clerk

WITNESS LIST

Criminal Justice Committee
April 21, 1999-1:00P

SB 185

For: Brewer, Ben E. (San Antonio Downtown Alliance), San Antonio
Buck, Lucy (TX Downtown Assn.), Austin
Douglas, David (Austin City Attorney's Office), Austin
McDonald, Michael (City of Austin/Austin Police Department),
Austin
Troxell, Richard (House the Homeless, Inc.), Austin
On: Schreiber, Surrena (Austin Travis County MHMR Center), Austin

Registering, but not testifying:

For: Betts, Charles (Downtown Austin Alliance), Austin
Shorter, Stacey (City of Austin), Austin
Williams, Stephen (Downtown Austin Community Court
Implementation Team), Austin

SB 247

For: Weeks, David (Walker Co. Criminal District Attorney),
Huntsville
On: Butcher, Allan (State Bar of TX), Ft. Worth
Kepple, Rob (TX District & County Attorney's Assn.), Austin
Moore, Michael (State Bar of TX), Arlington
Pokorak, Jeffrey (Self), San Antonio
Schonemann, Raoul (Self), Austin

Registering, but not testifying:

For: Allison, Jim (County Judges & Commissioners Assn. of TX),
Austin
On: Annette Lovoi (TX Appleseed), Austin

SB 430

For: Brewer, Ben (San Antonio Downtown Alliance), San Antonio
Buck, Lucy (TX Downtown Assn.), Austin
Douglas, David (Austin City Attorney's Office), Austin
McDonald, Michael (City of Austin/Austin Police Dept.), Austin

Against: Troxell, Richard (House the Homeless, Inc.), Austin

On: Schreiber, Surrena (Austin Travis Co. MHMR Center), Austin

Registering, but not testifying:

For: Betts, Charles (Downtown Austin Alliance), Austin

Martinez, Mack (Travis County Attorney's Office), Austin

Shorter, Stacey (City of Austin), Austin

Williams, Stephen (Downtown Austin Community Court
Implementation Team), Austin

SB 480

For: Fountain, Greg (Jefferson County Sheriff's Dept.), Beaumont
Sallans, Jim (Harris County Deputies' Organization), Austin

SB 534

On: Reeves, Beverly (DPS), Austin

Registering, but not testifying:

On: Dozier, Jim (TX Commission on Law Enforcement), Austin

SB 962

On: Aleshire, Mary Roe (Self), Austin

Registering, but not testifying:

For: Buchanan, Bree (TX Council on Family Violence), Austin

SB 1100

For: Bates, Jonathan (Self), Dallas

Daugherty, Fred (Self), Dallas

Pate, Jack (Self), Dallas

On: Budge, Joel (DPS), Austin

Registering, but not testifying:

On: Hatcher, Johnny (DPS), Austin

SB 1189

For: Johnson, Timothy (Self), San Antonio

Against: Granger, J.D. (Tarrant Co. District Attorney's Office), Ft.
Worth

Weeks, David (Walker Co. Criminal District Attorney's Office),
Huntsville

Williams, Christie (Dallas Co. Criminal District Attorney's
Office), Dallas

Registering, but not testifying:

For: Donovan, Suzanne (TX Criminal Defense Lawyers Assn.), Austin

Against: Buchanan, Bree (TX Council on Family Violence), Austin

SB 1281

For: Windlinger, Kelly (Justice for All), Houston

Against: Reeves, Linda (TX Inmate Families), Austin

On: Arnaud, John (Self), San Antonio

Jordan, Paul (TX DPS Sex Offender Registration Program), Austin

Mann, Tom (Lubbock Police Dept.), Lubbock

Registering, but not testifying:

For: Kahan, Andy (Harris Co. Inter-Agency Council on Sex
Offenders), Houston

SB 1358

Registering, but not testifying:

For: Salerno, Charles (Self), Austin

SB 1650

For: Bane, Janis (Harris Co. Interagency Council on Sex Offenders),
Houston

Burns, Sharon (Dr. Crismon & Assoc., Inc.), Houston

Kahan, Andy (Harris Co. Interagency Council on Sex Offenders),
Houston

On: Bozarth, Melinda (TDCJ), Austin

Jordan, Paul (DPS Sex Offender Registration Program), Austin

Registering, but not testifying:

For: Patrick, Nicole (Self), Houston

Windlinger, Kelly (Justice for All), Houston

On: Tauss, Cynthia (Self), League City

CJ Policy Council Presentation

On: Fabelo, Tony (Criminal Justice Policy Council), Austin