

L1803.9
C 868
77
2001:Mar. 14

MAR 16 2001

MINUTES

SENATE COMMITTEE ON CRIMINAL JUSTICE

Wednesday, March 14, 2001

1:00 p.m.

Senate Chamber

Pursuant to a notice posted in accordance with Senate Rule 11.18, a public hearing of the Senate Committee on Criminal Justice was held on Wednesday, March 14, 2001, in the Senate Chamber at Austin, Texas.

MEMBERS PRESENT:

Senator Kenneth Armbrister
Senator John Whitmire
Senator Teel Bivins
Senator Mike Moncrief
Senator Steve Ogden
Senator Todd Staples
Senator Royce West

MEMBERS ABSENT:

None

The chair called the meeting to order at 3:15 p.m. There being a quorum present, the following business was transacted:

The chair laid out SB730 and recognized the author, Senator Harris, to explain the bill. Senator Moncrief sent up a committee substitute; the chair recognized Senator Harris to explain the difference between the committee substitute and the bill as filed. Senator Moncrief 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. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator West requested unanimous consent to incorporate amendments into the committee substitute; without objection, it was so ordered. Senator Moncrief moved that SB730 do not pass but that CSSB730 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nay, 0 present not voting, and 0 absent.

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, March 14, 2001

page 2

Senators Whitmire and Bivins requested unanimous consent to be shown voting aye on SB 730, without objection, it was so ordered.

The chair laid out SB1074 and recognized the author, Senator West, to explain the bill. Senator West sent up a committee substitute; the chair recognized Senator West to explain the difference between the committee substitute and the bill as filed. Senator West moved adoption of the committee substitute; without objection, it was so ordered. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. Senator West moved that SB1074 do not pass but that CSSB1074 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent.

Senator Whitmire requested unanimous consent to be shown voting aye on SB 1074, without objection, it was so ordered.

At 4:00 p.m. Senator Whitmire assumed the chair.

The chair laid out SB103 and recognized the author, Senator Nelson, to explain the bill. Senator Staples sent up a committee substitute; the chair recognized Senator Nelson to explain the difference between the committee substitute and the bill as filed. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

At 4:45 p.m. Senator Armbrister resumed the chair.

SB 103 was left pending at the request of the author.

The chair laid out SB600 and recognized the author, Senator Sibley, to explain the bill. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. Senator Moncrief moved that SB600 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nay, 0 present not voting, and 0 absent. Senator Moncrief moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

At 6:10 p.m. Senator Staples assumed the chair.

At 6:15 p.m. Senator Armbrister resumed the chair.

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, March 14, 2001

page 3

The chair laid out SB7 and recognized the author, Senator Ellis, to explain the bill. Senator Moncrief sent up a committee substitute; the chair recognized Senator Ellis to explain the difference between the committee substitute and the bill as filed. Senator West sent up Committee Amendment 1. Senator West then asked that Committee Amendment 1 be withdrawn for corrections. Senator West then sent up the corrected Committee Amendment 1 and moved adoption; without objection, the amendment was adopted. Senator West requested unanimous consent to incorporate amendments into the committee substitute; without objection, it was so ordered. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

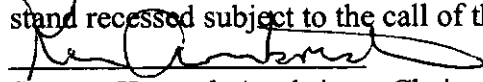
SB 7 was left pending at the request of the author.

The chair laid out SB923 and recognized the author, Senator Staples, to explain the bill. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. Senator Staples moved that SB923 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nay, 0 present not voting, and 0 absent. Senator Staples moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB966 and recognized the author, Senator Staples, to explain the bill. Senator Staples 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. The chair moved that the public testimony be closed; without objection, it was so ordered. Senator Staples moved that SB966, as amended, be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nay, 0 present not voting, and 0 absent. Senator Staples moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senators Whitmire, Bivins and West requested unanimous consent to be shown voting aye on SB966 without objection, it was so ordered.

There being no further business, at 8:30 p.m. Senator Armbrister moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.



Senator Kenneth Armbrister, Chair



Kelly C. Gilbert, Clerk

WITNESS LIST

Criminal Justice

March 14, 2001 - 1:00 PM

SB 7

FOR: Allison, Jim General Counsel (County Judges & Commissioners Association of TX), Austin, TX
Beardall, Bill Attorney (TX Appleseed Foundation), Austin, TX
Hampton, Keith Attorney (TX Criminal Defense Lawyers Association), Austin, TX
Van Fleet, Allan Attorney (TX Appleseed Foundation), Houston, TX

AGAINST: Cochran, Jr., Winston (Self), Houston, TX

ON: Anderson, Mike Judge 262nd District Court (Harris County), Houston, TX
Dawson, Robert O. Law Professor, UT Law School (Self), Austin, TX
Gohmert, Louis Judge, 7th District Court (Self)
Shipman, L. Dee Judge 211th District Court (Self), Denton, TX

Registering, but not testifying:

FOR: Aleshire, Mary Roe (Self), Austin, TX
Banks, Yannis (NAACP), Killeen, TX
Berra, Joseph Attorney (MALDEF), San Antonio, TX
Bledsoe, Gary Attorney (TX NAACP), Austin, TX
Daly, Richard Executive Director (TX Catholic Conference), Austin, TX
Daniel, Tanita (NAACP), Copperas Cove, TX
Diaz, Tony Director District VII (LULAC, TX), Austin, TX
Dieter, Alison (TX Moratorium Network), Austin, TX
Escobar, Felicia Policy Analyst (National Council of LA RAZA), San Antonio, TX
Flores, Brenda (www.HouSnitch.com), Houston, TX
Gonzales, Dominic Communication Director, TX Appleseed (TX Criminal Justice Reform Coalition), Austin, TX
Harrell, William Executive Director (ACLU of TX), Austin, TX
Holt, Charles Economist (Common Cause of TX), Austin, TX
Keenan, Barry (Self), Cedar Creek, TX
Lee, Clemon (Greenville, TX NAACP), Greenville, TX
Loar, Amy (Texas Appleseed Foundation), Austin, TX
Lovoi, Annette (Texas Appleseed Foundation), Austin, TX
Marsden, Julia (League of Women Voters of TX), Austin, TX
Mizcles, Amy (National Alliance for the Mentally Ill of TX), Austin, TX
Nicard, John P. Attorney (Self)
Pierce, Rev. Wesley Pastor (Greenville Branch NAACP), Greenville, TX
Rowland, Brian (NAACP), Killeen, TX

Sanchez, Joe (Mexican American Legal Defense & Educational Fund), San Antonio, TX
Stiffie, Sherman (NAACP)
Street, Polly R. (Self), Austin, TX
Terry, Dorothy (McLennan County Branch NAACP), Waco, TX
Thomas, Jeanette (LULAC - TX), Austin, TX
Weeks, David P. Walker Co. Criminal District Attorney (Self)

ON: Casper, Judge Caprice District Judge, Harris County (Harris County Judiciary), Houston, TX
Godwin, George Judge 174th District Court (Harris County Judiciary), Houston, TX
McConkle, Lamar Judge 133rd District Court (Self), Houston, TX
Spangenberg, Robert Attorney (Texas Appleseed), Newton, MA

SB 103

FOR: Collum, Carl Assistant Fire Marshal (Fire Investigators of Texas), Bedford, TX
McKinney, Terry Fire Marshal (Amarillo Fire Dept./West TX Fire/Arson Investigators Association), Amarillo, TX
Vardeman, Don Fire Marshall (Fire Investigators of Texas), San Angelo, TX
Walker, Jasper Fire/Arson Investigator (Hurst Fire Dept./Tarrant County Fire/Arson Investigators Association), Hurst, TX
Windisch, Fred Harris County Fire Marshal (Harris County Fire Investigators), Houston, TX

Registering, but not testifying:

FOR: Barnes, David Fire Marshal (Tarrant County Arson Task Force/ATAC/ City of Southlake), Southlake, TX
Bennett, Chanc V. Arson Investigator (Tarrant County Arson Task Force), Arlington, TX
Bonner, Jerry Fire Marshal Flower Mound (Town of Flower Mound/Denton County Arson Task Force), Flower Mound, TX
Cain, Randy (TX Fire Chief's Association), Austin, TX
Hill, Sr., Howard L. Fire Marshal (Hurst Fire Dept./Tarrant County Arson Task Force), Hurst, TX
Logan, Michael (IAAI TX Chapter/ATAC/Tarrant County Fire/Arson Investigators Association), Euless, TX
Luker, Morris Police Officer/Arson Investigator (East TX Arson Investigators Association/ATAC/IAAI), Alto, TX
Metzger, Eric Flower Mound Fire Chief (Town of Flower Mound, Denton County Fire Chief's Association), Flower Mound, TX
Renois, Randy Tarrant County Fire Marshal (Tarrant County Fire Marshal's Office), Fort Worth, TX

Rice, Harold (Buddy) Fire/Arson Investigator (Self), Houston, TX
Singleton, Stacy Fire Marshal (City of Burleson/Tarrant County Fire/Arson
Investigators Association), Burleson, TX
Teague, Donnie Fire Marshal (IAAI/Victoria County ATAC), Victoria, TX

SB 600

FOR: Beckenhauer, Charlie Associate General Counsel (Baylor University),
Waco, TX

Registering, but not testifying:

FOR: Doss, Joy (Independent Colleges and Universities of TX, Inc.), Austin, TX

SB 730

FOR: Bresnen, Steve Attorney (USA Training), Austin, TX
Ott, Judge Patricia Justice of the Peace (Justices of the Peace & Constables
Association of TX, Inc.), Round Rock, TX

ON: Blewett, Rebecca (TX DPS), Austin, TX

Registering, but not testifying:

FOR: Courtney, Chuck (Texas Retailers Association), Austin, TX
Hackney, Clint (Driver Training Associates), Austin, TX

SB 923

FOR: Muscato, Frank (Wal-Mart Corporation), Bloomington, IN

Registering, but not testifying:

FOR: Liu, Livia Dallas Co. Asst. District Attorney (Dallas County District
Attorney's Office), Dallas, TX

SB 966

Registering, but not testifying:

FOR: Courtney, Chuck (Texas Retailers Association), Austin, TX
Liu, Livia Dallas Co. Assistant District Attorney (Dallas County District
Attorney's Office), Dallas, TX
Muscato, Frank (Wal-Mart Corporation), Bloomington, IN
Noll, Chuck Assistant District Attorney (Harris County District Attorney's
Office), Houston, TX

SB 1074

FOR: Alcorn, Lee (Coalition for the Advancement of Civil Rights), Grand Prairie,
TX
Berra, Joseph Attorney (MALDEF), San Antonio, TX
Bledsow, Gary Attorney/President (TX NAACP), Austin, TX

Bogart, Tommy R. Sunray, TX Chief of Police (Sunray Police Department), Sunray, TX
 Briskman, Mark Director, North Texas Office (Anti-Defamation League), Dallas, TX
 Captain, Myrtle (Self), Temple, TX
 Collins, Gene (TX NAACP), Odessa, TX
 Escobar, Felicia Policy Analyst (National Council of LaRaza), San Antonio, TX
 Hampton, Keith Attorney (Texas Criminal Defense Lawyers Association), Austin, TX
 Hampton, Randy Assistant Police Chief, Dallas (Chief of Police Terrell Bolton, Dallas Police Department), Dallas, TX
 Harrell, William Attorney (ACLU of Texas), Austin, TX
 Lyons, Steve Policeman (Houston Mayor's Office/Houston Police Chief), Houston, TX
 Reyes, Lico (LULAC - District III), Arlington, TX

ON: Edwards, Kimberly K. Executive Director (Texas Public Finance Authority), Austin, TX
 McCarley, James (Texas Municipal League), Dallas, TX
 Smith, Major Ricky D. (TX DPS), Austin, TX
 Steward, Dwight College Professor, University of Texas (Self)

Registering, but not testifying:

FOR: Banks, Yannia (NAACP), Killeen, TX
 Campbell, Tammie Public Education Chair (NAACP), Missouri City, TX
 Daniel, Tanita (NAACP), Copperas Cove, TX
 Davis, Ronald Federal Attorney (Self), Dallas, TX
 Diaz, Tony District Director (LULAC - Texas), Austin, TX
 Dieter, Alison (Self), Austin, TX
 Fanuiel, Shirley Deputy Regional Coordinator (NAACP), LaMarque, TX
 Gromf, Ann (NAACP), Texas City, TX
 Holt, Charles Economist (Common Cause of Texas), Austin, TX
 Jefferson, Howard President (NAACP), Houston, TX
 Keenan, Barry (New Directions in Corrections), Cedar Creek, TX
 Lee, Clemon (Greenville Branch, NAACP), Greenville, TX
 Pierce, Rev. Wesley D. Pastor (Greenville Branch NAACP), Greenville, TX
 Polk, Sam (San Antonio NAACP), San Antonio, TX
 Rowland, Brain (NAACP), Killeen, TX
 Smith, Yolanda Executive Director (NAACP), Houston, TX
 Street, Polly (Self), Austin, TX
 Terry, Dorothy President (McLennan County Branch NAACP), Waco, TX
 Thomas, Jeanette (LULAC), Austin, TX
 Whitley, Marlen (Self), Austin, TX

ON: Campbell, Craig (TCLEOSE), Austin, TX

Providing written testimony:

ON: Heaton, Chris Executive Director (Texas Municipal Police Association),
Austin, TX