

L1803.9
C 868
77
2001: Mar 28

MINUTES

SENATE COMMITTEE ON CRIMINAL JUSTICE

Wednesday, March 28, 2001

1:00 p.m.

Capitol Extension, Room E1.028

LEGISLATIVE REFERENCE LIBRARY

APR 03 2001

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 28, 2001, in the Capitol Extension, Room E1.028, at Austin, Texas.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Senator Royce West

The chair called the meeting to order at 4:10 p.m. There being a quorum present, the following business was transacted:

The chair laid out SB1589 and recognized the author, Senator Moncrief, 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 Armbrister moved that SB1589 be left pending to await a quorum; without objection, it was so ordered. Senator Moncrief moved that SB1589 be reported favorably 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 Moncrief moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Bivins requested unanimous consent to be shown voting aye on SB 1589, without objection, it was so ordered.

The chair laid out SB1262 and recognized Senator Armbrister, in the absence of the author, to explain the bill. Senator Staples sent up a committee substitute; Senator Armbrister explained the difference between the committee substitute and the bill as filed. Senator Staples moved

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, March 28, 2001

page 2

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 Armbrister moved that SB1262 be left pending to await a quorum; without objection, it was so ordered. Senator Staples moved that SB1262 do not pass but that CSSB1262 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 Moncrief moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Bivins requested unanimous consent to be shown voting aye on CSSB 1262, without objection, it was so ordered.

The chair laid out SB917 and recognized the author, Senator Shapiro, 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 Armbrister moved that SB917 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Moncrief moved that SB917 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 Moncrief moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Bivins requested unanimous consent to be shown voting aye on SB 917, without objection, it was so ordered.

The chair laid out SB1201 and recognized the author, Senator Shapiro, 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 Armbrister moved that SB1201 be left pending to await a quorum; without objection, it was so ordered. Senator Staples moved that SB1201 be reported favorably 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 moved that the bill be recommended for placement on the Local & Uncontested Calendar. Senator Ogden objected to the motion for placement on the Local & Uncontested Calendar. Senator Whitmire then withdrew his motion.

Senator Bivins requested unanimous consent to be shown voting aye on SB 1201, without objection, it was so ordered.

The chair laid out SB169 and laid it on the table. The chair then laid out the companion bill, HB519 and recognized the Senate sponsor, Senator Zaffirini, to explain the bill. Witnesses

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, March 28, 2001

page 3

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 Armbrister moved that HB519 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Moncrief moved that HB519 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 Moncrief moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Bivins requested unanimous consent to be shown voting aye on HB519, without objection, it was so ordered.

The chair laid out SB1224 and recognized the author, Senator Harris, to explain the bill. Senator Staples sent up a committee substitute; the chair recognized Senator Harris to explain the difference between the committee substitute and the bill as filed. Senator Staples 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 Staples moved that SB1224 be left pending to await a quorum; without objection, it was so ordered. Senator Staples moved that SB1224 do not pass but that CSSB1224 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 Bivins requested unanimous consent to be shown voting aye on CSSB 1224, without objection, it was so ordered.

At 4:25 p.m. Senator Staples assumed the chair.

The chair laid out SB1174 and recognized Senator Staples, in the absence of the author, to explain the bill. Senator Bivins sent up a committee substitute; the chair recognized Senator Staples to explain the difference between the committee substitute and the bill as filed. Senator Bivins 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 Staples moved that SB1174 be left pending to await a quorum; without objection, it was so ordered. Senator Moncrief moved that SB1174 do not pass but that CSSB1174 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 Moncrief moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, March 28, 2001

page 4

Senator Bivins requested unanimous consent to be shown voting aye on CSSB1174, without objection, it was so ordered.

The chair laid out SB968 and recognized the author, Senator Bivins, to explain the bill. Senator Bivins sent up a committee substitute; the chair recognized Senator Bivins to explain the difference between the committee substitute and the bill as filed. Senator Armbrister 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 Armbrister moved that SB968 be left pending to await a quorum; without objection, it was so ordered. Senator Ogden moved that SB968 do not pass but that CSSB968 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 Ogden moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Bivins requested unanimous consent to be shown voting aye on CSSB968, without objection, it was so ordered.

The chair laid out SB1195 and recognized Senator Armbrister, in the absence of the author, 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 Armbrister moved that SB1195 be left pending to await a quorum; without objection, it was so ordered. Senator Staples moved that SB1195 be reported favorably 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 Bivins requested unanimous consent to be shown voting aye on SB1195, without objection, it was so ordered.

The chair laid out SB1371 and recognized Senator Armbrister, in the absence of the author, to explain the bill. Senator Armbrister sent up a committee substitute; the chair recognized Senator Armbrister to explain the difference between the committee substitute and the bill as filed. Senator Armbrister 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 Armbrister moved that SB1371 be left pending to await a quorum; without objection, it was so ordered. Senator Staples moved that SB1371 do not pass but that CSSB1371 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 Ogden moved that the

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, March 28, 2001

page 5

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

Senator Bivins requested unanimous consent to be shown voting aye on CSSB1371, without objection, it was so ordered.

The chair laid out SB1126 and recognized the author, Senator Ogden, 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 Ogden moved that SB1126 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Ogden moved that SB1126 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 Bivins requested unanimous consent to be shown voting aye on SB1126, without objection, it was so ordered.

The chair laid out SB890 and recognized the author, Senator Ogden, to explain the bill. Senator Ogden sent up a committee substitute; the chair recognized Senator Ogden to explain the difference between the committee substitute and the bill as filed. Senator Ogden 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 Staples moved that SB890 be left pending to await a quorum; without objection, it was so ordered. Senator Ogden moved that SB890 do not pass but that CSSB890 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 Ogden moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Bivins requested unanimous consent to be shown voting aye on CSSB890, without objection, it was so ordered.

The chair laid out SB1583 and recognized the author, Senator Van de Putte, 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 SB1583 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Moncrief moved that SB1583 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 Moncrief moved that the bill be

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, March 28, 2001

page 6

recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Bivins requested unanimous consent to be shown voting aye on SB1583, with objection, it was so ordered.

At 6:00 p.m. Senator Armbrister resumed the chair.

The chair laid out SB1087 and recognized the author, Senator Harris, 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. SB1087 was left pending at the request of the author.

At 6:25 p.m. Senator Whitmire assumed the chair.

At 6:30 p.m. Senator Armbrister resumed the chair.

The chair laid out SB1304 and recognized the author, Senator Harris, 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. SB1304 was left pending at the request of the author.

The chair laid out SB1088 and recognized the author, Senator Harris, 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. SB1088 was left pending at the request of the author.

The Chair brought up SB7 from pending business. Senator Whitmire moved to reconsider the vote by which Amendment 1 was adopted, without objection, it was so ordered. Senator Whitmire then moved to table Amendment 1, without objection, it was so ordered. Senator Moncrief withdrew the previously unadopted committee substitute. Senator Moncrief sent up a new committee substitute; the chair recognized Hanna Liebman, Senator Ellis' Legislative Director, to explain the difference between the committee substitute and the bill as filed. Senator Moncrief moved adoption of the committee substitute; without objection, it was so ordered. Senator Moncrief moved that SB7 do not pass but that CSSB7 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 Bivins requested unanimous consent to be shown voting aye on CSSB7, without

SENATE COMMITTEE ON CRIMINAL JUSTICE

Minutes

Wednesday, March 28, 2001

page 7

objection, it was so ordered.

The Chair brought up SB 1648 from pending business. Senator Staples sent up a committee substitute; the chair recognized Senator Staples to explain the difference between the committee substitute and the bill as filed. Senator Staples moved adoption of the committee substitute; without objection, it was so ordered. Senator Ogden moved that SB1648 do not pass but that CSSB1648 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 Ogden moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Bivins requested unanimous consent to be shown voting aye on CSSB1648, without objection, it was so ordered.

The Chair brought up HB121 from pending business. Senator Armbrister withdrew the previously offered amendment, without objection, it was so ordered. Senator Staples moved that HB121 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nay, 0 present not voting, and 2 absent. Senator Ogden moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

There being no further business, at 8:45 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

Bill Order / Bill Format

Criminal Justice

March 28, 2001 - 1:00 PM

HB 519

FOR: Boyles, Sherry (Texas Association Against Sexual Assault), Austin, TX
Wolf, Laura General Counsel (Safe Place), Austin, TX

ON: Durham, Drew Assistant Attorney General (Office of Attorney General),
Austin, TX

Registering, but not testifying:

FOR: Buchanan, Bree Public Policy Director (Texas Council on Family Violence),
Austin, TX

SB 890

Registering, but not testifying:

ON: Blewett, Rebecca (TX Department of Public Safety), Austin, TX

SB 917

ON: McLaul, Michael Deputy Attorney General (Attorney General's Office),
Austin, TX
Wittliff, Reid Assistant Attorney General (Attorney General's Office),
Austin, TX

SB 968

FOR: Smith, Allen (Triple S Petroleum Co.), Austin, TX

Registering, but not testifying:

FOR: Reagan, Karen Director of Government Relations (Texas Retailers
Association), Austin, TX

SB 1087

ON: McHugh, Colleen DPS Commissioner (TX Department of Public Safety),
Corpus Christi, TX

SB 1088

ON: McHugh, Colleen DPS Commissioner (TX Department of Public Safety),
Corpus Christi, TX

SB 1126

FOR: Granger, J.D. Assistant District Attorney (Tarrant County District Attorney's
Office), Ft. Worth, TX
Horton, Giselle Attorney (Travis County Attorney), Austin, TX

Jones, Woodie (Self)
Noll, Chuck Assistant District Attorney (Harris County District Attorney's Office), Houston, TX

ON: Beaty, Louis (TX Department of Public Safety), Austin, TX

Registering, but not testifying:

FOR: Isaacks, Bruce Criminal District Attorney-Denton (Self), Denton, TX

AGAINST: Hampton, Keith Attorney (Texas Criminal Defense Lawyers Association),
Austin, TX
Whalen, Ken Director of Legislative Affairs (TX Daily Newspaper
Association/TX Press Association), Austin, TX

SB 1174

FOR: Morrison, James General Manager (Walker County Rural Water Supply
Corporation), Huntsville, TX
Peterson, Ken General Counsel (TX Rural Water Association), Austin, TX

Registering, but not testifying:

FOR: Granger, J.D. Assistant District Attorney (Tarrant County District Attorney's
Office), Ft. Worth, TX

SB 1195

FOR: Cabral, Michael Occupancy Specialist (Senator Wentworth/Austin
Affordable Housing Corporation), Austin, TX

ON: Sherman, Major E.C. State Police Officer (TX Department of Public Safety),
Austin, TX

SB 1201

ON: McCaul, Michael Deputy Attorney General (Attorney General's Office),
Austin, TX
Wittliff, Reid Assistant Attorney General (Attorney General's Office),
Austin, TX

SB 1224

FOR: Reed, Malcolm (TX Burglar & Fire Alarm Association), Dallas, TX

ON: Craig, George (TX Commission on Private Security), Corpus Christi, TX
McGlasson, Jerry Executive Director (TX Commission on Private Security),
Austin, TX

Registering, but not testifying:

FOR: Adams, Rex (TX Burglar and Fire Alarm Association), Richardson, TX

Benfen, J.D. (TX Burglar & Fire Alarm Association), San Antonio, TX
Oakley, Keith Consultant (TX Association of Licensed Investigators),
Terrell, TX
Teel, Jack (TX Burglar & Fire Alarm Association), Garland, TX
Warren, Jim Consultant (TX Locksmiths Association), Austin, TX

ON: Samulin, Michael (TX Commission on Private Security), San Antonio, TX

SB 1262

Registering, but not testifying:

FOR: Clark, Mark Police Officer (TX Union of Police & Sheriff, Houston Police
Officers' Union), Houston, TX

SB 1304

FOR: Idol, Lance Criminal Investigator (Self), Round Rock, TX

ON: Durham, Drew Assistant Attorney General (Attorney General's Office),
Austin, TX
Eisenberg, Arthur Director, DNA Identity Lab (University of North Texas
Health Science Center), Ft. Worth, TX
Urbanousky, Ron Director, Crime Laboratory Service (TX Department of
Public Safety), Austin, TX

Registering, but not testifying:

ON: Planz, John Assoc. Director DNA Identity Lab (University of North Texas
Health Science Center), Ft. Worth, TX

SB 1371

FOR: Porter, Quentin Municipal Court Director (TX Municipal Courts
Association), San Antonio, TX

SB 1583

FOR: Harrell, William Attorney (ACLU, NAACP, NCLR), Austin, TX
Henson, Scott (ACLU of Texas), Austin, TX

SB 1589

Registering, but not testifying:

ON: Spriggs, Vicki Executive Director (TX Juvenile Probation Commission),
Austin, TX