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2011: May 17

## MINUTES

### SENATE COMMITTEE ON CRIMINAL JUSTICE

Tuesday, May 17, 2011

1:30 PM or upon adjournment

Capitol Extension, Room E1.016

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Pursuant to a notice posted in accordance with Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on Criminal Justice was held on Tuesday, May 17, 2011, in the Capitol Extension, Room E1.016, at Austin, Texas.

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#### MEMBERS PRESENT:

Senator John Whitmire, Chair  
Senator Joan Huffman, Vice Chair  
Senator Rodney Ellis  
Senator Glenn Hegar

#### MEMBERS ABSENT:

Senator John Carona  
Senator Juan Hinojosa  
Senator Dan Patrick

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The chair called the meeting to order at 3:50 PM. There being a quorum present, the following business was transacted:

The chair laid out HB 2118 and recognized the Senate sponsor, Senator Estes, 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 Whitmire moved that HB 2118 be left pending; without objection, it was so ordered.

The chair laid out HB 1137 and recognized the Senate sponsor, Senator Estes, 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 Whitmire moved that HB 1137 be left pending; without objection, it was so ordered.

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The chair laid out HB 530 and recognized the Senate sponsor, Senator Davis, 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 Whitmire moved that HB 530 be left pending; without objection, it was so ordered.

The chair laid out HB 1402 and recognized Senator Huffman, in the absence of the Senate sponsor, 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 Whitmire moved that HB 1402 be left pending; without objection, it was so ordered.

The chair laid out HB 1173 and recognized the Senate sponsor, Senator Huffman, 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 Whitmire moved that HB 1173 be left pending; without objection, it was so ordered.

The chair laid out HB 289 and recognized the Senate sponsor, Senator Nelson, 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 Whitmire moved that HB 289 be left pending; without objection, it was so ordered.

The chair laid out HB 1822 and recognized the Senate sponsor, Senator Huffman, 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 Whitmire moved that HB 1822 be left pending; without objection, it was so ordered.

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The chair laid out HB 1823 and recognized the Senate sponsor, Senator Huffman, 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 Whitmire moved that HB 1823 be left pending; without objection, it was so ordered.

The chair laid out HB 1891 and recognized the Senate sponsor, Senator Huffman, 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 Whitmire moved that HB 1891 be left pending; without objection, it was so ordered.

The chair laid out HB 1205 and recognized the Senate sponsor, Senator Ellis, 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 Whitmire moved that HB 1205 be left pending; without objection, it was so ordered.

The chair laid out HB 2006 and recognized the Senate sponsor, Senator Huffman, 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 Whitmire moved that HB 2006 be left pending; without objection, it was so ordered.

The chair laid out HB 2662 and recognized Senator Huffman, in the absence of the Senate sponsor, to explain the bill. Senator Huffman laid out a committee substitute for HB 2662 and was recognized to explain the difference between the committee substitute and the house bill, as engrossed. The substitute was left pending to await a quorum.

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 Whitmire moved that HB 2662 be left pending; without objection, it was so ordered.

The chair laid out HB 1083 and recognized Senator Ellis, in the absence of the Senate sponsor, 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 Whitmire moved that HB 1083 be left pending; without objection, it was so ordered.

The chair laid out HB 961 and recognized Senator Huffman, in the absence of the Senate sponsor, 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 Whitmire moved that HB 961 be left pending; without objection, it was so ordered.

The chair laid out HB 2735 and recognized Senator Huffman, in the absence of the Senate sponsor, 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 Whitmire moved that HB 2735 be left pending; without objection, it was so ordered.

The chair laid out HB 2889 and recognized Senator Huffman, in the absence of the Senate sponsor, 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 Whitmire moved that HB 2889 be left pending; without objection, it was so ordered.

At 5:05 PM Senator Huffman assumed the chair.

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The chair laid out HB 1638 and recognized the Senate sponsor, Senator Whitmire, to explain the bill. Senator Whitmire laid out a committee substitute for HB 1638 and was recognized to explain the differences between the committee substitute and the house bill as engrossed. The substitute was left pending to await the arrival of a quorum.

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 Huffman moved that HB 1638 be left pending; without objection, it was so ordered.

The chair laid out HB 2847 and recognized the Senate sponsor, Senator Whitmire, 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 Huffman moved that HB 2847 be left pending; without objection, it was so ordered.

The chair laid out HB 3346 and recognized the Senate sponsor, Senator Whitmire, 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 Huffman moved that HB 3346 be left pending; without objection, it was so ordered.

At 5:25 PM Senator Whitmire resumed the chair.

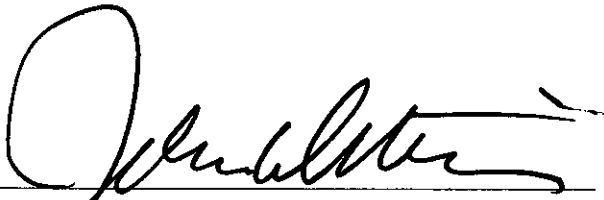
There being no further business, Senator Whitmire moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

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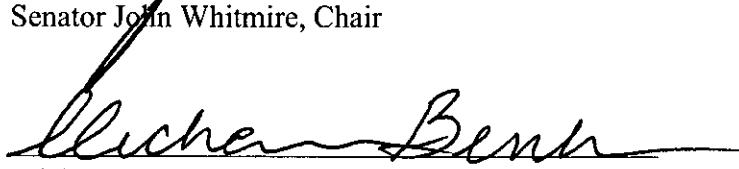
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A large, stylized handwritten signature in black ink, likely belonging to Senator John Whitmire, positioned above a horizontal line.

Senator John Whitmire, Chair

A handwritten signature in black ink, likely belonging to Michaela Bernacchio, positioned above a horizontal line.

Michaela Bernacchio, Clerk

## WITNESS LIST

Criminal Justice

May 17, 2011 1:30 PM - or upon adjournment

### HB 289

#### Registering, but not testifying:

For:

Boatright, David (Office of Attorney General), Austin, TX  
Dawson, Jodyann (Texans Care for Children), Austin, TX  
Elkin, Bill (Houston Police Retired Officers' Association), Houston, TX  
Hettinger, Ann (Concerned Women for America of Texas), Rockwall, TX  
Huemmer, Maria (Texas Catholic Conference), Austin, TX  
Jones, Jim Sargent (San Antonio Police Department), San Antonio, TX  
Patterson, T. J. (City of Fort Worth), Fort Worth, TX  
Sabo, Jason (Children at Risk), Austin, TX  
Sloman, Jessica (Houston Police Department), Houston, TX  
Tittle, Gary (Dallas Police Department), Dallas, TX  
Wood, Cecilia (Citizen Attorney), Austin, TX

On:

Fowler, Abbey (Office of the Attorney General), Austin, TX

### HB 530

#### Registering, but not testifying:

For:

Patterson, T. J. (City of Fort Worth), Fort Worth, TX

### HB 961

#### Registering, but not testifying:

For:

Dawson, Jodyann (Texans Care for Children), Austin, TX  
Levin, Marc (Texas Public Policy Foundation Center for Effective Justice), Austin, TX  
Place, Allen (Texas Criminal Defense Lawyers Association), Austin, TX

#### Providing written testimony:

For:

Hayes, Tracey (American Civil Liberties Union of Texas), Austin, TX  
Yanez-Correa, Ana (Texas Criminal Justice Coalition), Austin, TX

### HB 1083

FOR:

Elkin, Bill (Houston Police Retired Officers' Association), Houston, TX

#### Registering, but not testifying:

For:

Craft, Lon (Texas Municipal Police Association), Austin, TX

### HB 1137

#### Registering, but not testifying:

For:

Daniels, Katrina (Bexar County District Attorney's Office), San Antonio, TX

WITNESS LIST

Criminal Justice

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HB 1173

FOR:

Petroff, Kevin (Harris County District Attorney's Office), Houston, TX

AGAINST:

Bane, Janis (Texas Criminal Justice Coalition), Stafford, TX

Marsh, Andrea (Texas Fair Defense Project), Austin, TX

HB 1205

FOR:

Jermstad, Todd (Self), Austin, TX

Levin, Marc (Texas Public Policy Foundation Center for Effective Justice), Austin, TX

Yanez-Correa, Ana (Texas Criminal Justice Coalition), Austin, TX

Registering, but not testifying:

For:

Banks, Yannis (Texas National Association for the Advancement of Colored People),  
Austin, TX

Place, Allen (Texas Criminal Defense Lawyers Association), Austin, TX

HB 1402

Registering, but not testifying:

For:

Craft, Lon (Texas Municipal Police Association), Austin, TX

HB 1638

Registering, but not testifying:

On:

Edwards, Shannon (Texas District and County Attorneys Association), Austin, TX

HB 1822

FOR:

Dillard, Wynn (Professional Bondsmen of Texas), McKinney, TX

Registering, but not testifying:

For:

McCluskey, John (Professional Bondsmen of Texas), Houston, TX

McFarlin, Don (Professional Bail Bondsmen), Austin, TX

Walstad, Scott (Professional Bondsmen of Texas), Dallas, TX

HB 1823

FOR:

McFarlin, Don (Professional Bail Bondsmen), Austin, TX

Registering, but not testifying:

For:

Dillard, Wynn (Professional Bondsmen of Texas), McKinney, TX

McCluskey, John (Professional Bondsmen of Texas), Houston, TX

Walstad, Scott (Professional Bondsman of Texas), Dallas, TX



WITNESS LIST

Criminal Justice

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HB 1891

FOR:

Petroff, Kevin (Harris County District Attorney's Office), Houston, TX

Registering, but not testifying:

For:

Craft, Lon (Texas Municipal Police Association), Austin, TX

Daniels, Katrina (Bexar County District Attorney's Office), San Antonio, TX

Elkin, Bill (Houston Police Retired Officers' Association), Houston, TX

Jones, Jim Sargent (San Antonio Police Department), San Antonio, TX

Patterson, T.J. (City of Fort Worth), Fort Worth, TX

Sloman, Jessica (Houston Police Department), Houston, TX

Tittle, Gary (Dallas Police Department), Dallas, TX

HB 2006

FOR:

Jones, James Captain (Houston Police Department), Houston, TX

AGAINST:

Schneider, Michael (Texas Association of Broadcasters), Austin, TX

Whalen, Ken (Texas Newspaper Association/Texas Press Association), Austin, TX

Registering, but not testifying:

For:

Craft, Lon (Texas Municipal Police Association), Austin, TX

Elkin, Bill (Houston Police Retired Officers' Association), Houston, TX

Jones, Jim Sergeant (San Antonio Police Department), San Antonio, TX

Tittle, Gary Lieutenant (Dallas Police Department), Dallas, TX

Against:

Elkins, Keith (Freedom of Information Foundation of Texas), Austin, TX

HB 2118

Registering, but not testifying:

For:

Patterson, T. J. (City of Fort Worth), Fort Worth, TX

Sturzl, Frank (City of Arlington Texas), Austin, TX

HB 2662

FOR:

Castillo, Michael (Self), Sugarland, TX

HB 2735

FOR:

Dahill, John (Texas Conference of Urban Counties), Austin, TX

Levin, Marc (Texas Public Policy Foundation Center for Effective Justice), Austin, TX

Registering, but not testifying:

For:

Guevara, Thomas (Bexar County Commissioners Court), San Antonio, TX

WITNESS LIST

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Kirk, Chris Sheriff (Sheriff's Association of Texas), Bryan, TX

Nicholes, Laura (Texas Association of Counties), Austin, TX

Pardue, Craig (Dallas County), Dallas, TX

Providing written testimony:

For:

Yanez-Correa, Ana (Texas Criminal Justice Coalition), Austin, TX

HB 2847

Registering, but not testifying:

For:

Dahill, John (Texas Conference of Urban Counties), Austin, TX

Fuller, Glenda (Texas Court Reporters Association), Athens, TX

HB 2889

FOR:

Doggett, Robert (Texas Housing Justice League), Austin, TX

ON:

Edwards, Shannon (Texas District and County Attorney's Association), Austin, TX

Registering, but not testifying:

For:

Dawson, Jodyann (Texans Care for Children), Austin, TX

Huemmer, Maria (Texas Catholic Conference), Austin, TX

Levin, Marc (Texas Public Policy Foundation Center for Effective Justice), Austin, TX

Place, Allen (Texas Criminal Defense Lawyers Association), Austin, TX

Rickers, Emily (Texas Low Income Housing Information Service), Austin, TX

Yanez-Correa, Ana (Texas Criminal Justice Coalition), Austin, TX

Against:

Elkins, Keith (Freedom of Information Foundation of Texas), Austin, TX

Schneider, Michael (Texas Association of Broadcasters), Austin, TX

Whalen, Ken (Texas Newspaper Association/Texas Press Association), Austin, TX

HB 3346

Registering, but not testifying:

For:

Frahm, Sara (Self), Austin, TX

Hendrickson, Albertine (Self), Coupland, TX

Molinar, Mary Sue (Texas Voices), San Antonio, TX

Yanez-Correa, Ana (Texas Criminal Justice Coalition), Austin, TX