

## **BILL ANALYSIS**

Senate Research Center

H.B. 963  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law allows a crime victim to register to be notified of the perpetrator's escape or release from incarceration. However, those who witnessed the crime and testified against the perpetrator are equally at risk for violent retribution.

H.B. 963 protects those who have come forth as witnesses to violent crimes and are willing to testify about what they witnessed. The bill also allows a witness to a crime to be added to the victim notification program.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 56.11, Code of Criminal Procedure, as follows:

Art. 56.11. New heading: NOTIFICATION TO VICTIM OR WITNESS OF RELEASE OR ESCAPE OF DEFENDANT. (a) Requires the Texas Department of Criminal Justice (TDCJ) or the sheriff in the case of a felony or the sheriff in the case of a misdemeanor to notify a witness who testified against the defendant at the trial for the offense, other than a witness who testified in the course and scope of the witness's official or professional duties, under certain circumstances. Makes conforming changes.

(b) Makes conforming changes.

(c) Provides that this article applies to a defendant convicted of certain offenses, including an offense under Title 5 (Offenses Against the Person), Penal Code, that is punishable as a felony, an offense described by Section 508.187(a) (relating to a releasee serving a sentence for sexual performance by a child, possession or promotion of child pornography, indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct, aggravated kidnapping involving sexual abuse, or certain types of burglary), Government Code, other than an offense described by Subdivision (1), or an offense involving family violence, stalking, or violation of a protective order or magistrate's order.

(d) Includes an e-mail address as a type of method to notify a victim or witness of a defendant's release. Makes conforming changes.

(e) Requires the TDCJ or the sheriff, as appropriate, to make a reasonable attempt to give any notice, rather than the notice, required by Subsection (a) within a certain time frame of the defendant's release or escape and authorizes TDCJ or the sheriff to give any notice required by Subsection (a) by e-mail, if possible.

(f) Makes conforming changes.

(g) Requires the attorney who represented the state in the prosecution of the case, not later than immediately following the conviction of a defendant described by

Subsection (c), to notify in writing a victim or witness described by Subsection (a) of the victim's or witness's right to receive notice under this article.

(h) Redesignated from existing Subsection (g).

SECTION 2. Amends Article 56.12, Code of Criminal Procedure, as follows:

Art. 56.12. NOTIFICATION OF ESCAPE OR TRANSFER. (a) Makes a conforming change.

(a-1) Requires TDCJ to immediately notify a witness who testified against a defendant at the trial for the offense for which the defendant is incarcerated, the witness's guardian, or the witness's close relative, if the witness is deceased, if the witness, witness's guardian, or witness's close relative has notified the institutional division as provided by Subsection (b), whenever the defendant escapes from a facility operated by the institutional division or is transferred from the custody of the institutional division to the custody of a peace officer under a writ of attachment or a bench warrant.

(b) and (c) Makes conforming changes.

(d) Defines "witness's close relative."

SECTION 3. Amends Subchapter A, Chapter 56, Code of Criminal Procedure, by adding Article 56.15, as follows:

Art. 56.15. COMPUTERIZED DATABASE; DEFENDANT RELEASE INFORMATION. Requires TDCJ to create and maintain a computerized database containing the release information and release date of a defendant described by Article 56.11(c) and allow a victim or witness entitled to notice under Article 56.11 or 56.12 to access via the Internet the computerized database maintained under Subdivision (1).

SECTION 4. Makes application of Articles 56.11 and 56.12, Code of Criminal Procedure, as amended by this Act, prospective to September 1, 2007.

SECTION 5. Requires TDCJ to complete the creation of the computerized database required by Article 56.15, Code of Criminal Procedure, as added by this Act, by March 1, 2008. Requires TDCJ to begin to allow victims or witnesses access to the computerized database not later than September 1, 2008.

SECTION 6. Effective date: September 1, 2007.