

## **BILL ANALYSIS**

Senate Research Center  
81R4093 GCB-D

H.B. 1003  
By: Bolton et al. (Whitmire)  
Criminal Justice  
5/17/2009  
Engrossed

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

Currently, neither the Texas Department of Criminal Justice nor a corrections department is required to notify victims or witnesses when a defendant is no longer being electronically monitored. As such, victims are unaware of the whereabouts of their assailant. This notification would enable them to take necessary precautions.

H.B. 1003 would serve to extend existing programs of notification to certain victims and witnesses to include cessation of electronic monitoring of certain inmates and defendants.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 56.11, Code of Criminal Procedure, by adding Subsection (a-1) and amending Subsections (d), (e), and (f), as follows:

(a-1) Requires the Texas Department of Criminal Justice (TDCJ), in the case of an inmate released on parole or to mandatory supervision following a term of imprisonment for an offense described by Subsection (c) (relating to the article's applicability to a defendant convicted of certain statutory offenses and offenses involving family violence, stalking, or violation of a protective order or magistrate's order), or a community supervision and corrections department supervising a defendant, in the case of a defendant convicted of an offense described by Subsection (c) and subsequently released on community supervision, to notify a victim or witness described by Subsection (a) whenever the inmate or defendant, if subject to electronic monitoring as a condition of release, ceases to be electronically monitored.

(d) Provides that it is the responsibility of a victim or witness desiring notification of the defendant's release to provide TDCJ, the sheriff, or the community supervision and corrections department supervising the defendant, as appropriate, with the email address, mailing address, and telephone number of the victim, witness, or other person through whom the victim or witness may be contacted and to notify the appropriate department or the sheriff of any change of address or telephone number of the victim, witness, or other person. Provides that information obtained and maintained by TDCJ, a sheriff, or a community supervision and corrections department under this subsection is privileged and confidential.

(e) Provides that TDCJ, the sheriff, or the community supervision and corrections department supervising the defendant, as appropriate:

(1) is required to make a reasonable attempt to give any notice required by Subsection (a) (relating to requiring the victim of the offense or witness who testified against the defendant at trial for the offense to be notified) or (a-1) not later than the 30th day before the date the defendant completes the sentence and is released or ceases to be electronically monitored as a condition of release, or immediately if the defendant escapes from the correctional facility; and

(2) is authorized to give any notice required by Subsection (a) or (a-1) by email, if possible.

(f) Provides that an attempt by TDCJ, the sheriff, or the community supervision and corrections department supervising the defendant to give notice to a victim or witness at the victim's or witness's last known mailing address or, if notice via e-mail is possible, last known e-mail address, as shown on the records of the appropriate department or agency, constitutes a reasonable attempt to give notice under this article.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.