BILL ANALYSIS

Senate Research Center   H.B. 104
85R1396 MAW-D   By: White (Nichols)
                                                                      Criminal Justice
                                                                        5/18/2017
                                                                       Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that current law does not adequately provide for the notification of crime victims when a defendant released from imprisonment commits additional offenses. H.B. 104 resolves this by creating an optional procedure for victims of heinous crimes to request notification from the Texas Department of Criminal Justice (TDCJ) of subsequent indictments of a defendant who has previously been convicted and served a prison sentence. It also requires the attorney representing the State of Texas to notify TDCJ of an offense charged to a defendant who has been previously convicted within 10 days of the indictment. H.B. 104 helps provide protection to victims of traumatic events at the hand of violent offenders and will increase transparency of the criminal justice system to these victims.

H.B. 104 amends current law relating to notification provided to certain victims of criminal offenses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Criminal Justice in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.023, as follows:

Art. 2.023. NOTIFICATION TO TEXAS DEPARTMENT OF CRIMINAL JUSTICE. (a) Provides that this article applies only to a defendant who, in connection with a previous conviction for an offense listed in Article 42A.054(a) (relating to providing that Article 42A.053 does not apply to a defendant adjudged guilty of certain offenses) or for which the judgment contains an affirmative finding under Article 42A.054(c) (relating to requiring the trial court to enter a certain finding in the judgment of the court) or (d) (relating to requiring the court to enter a certain finding in its judgment):

(1) received a sentence that included imprisonment at a facility operated by or under contract with the Texas Department of Criminal Justice (TDCJ); and

(2) was subsequently released from the imprisonment, including a release on parole, to mandatory supervision, or following discharge of the defendant's sentence.

(b) Requires the attorney representing the state, not later than a certain date, to notify an officer designated by TDCJ of the offense charged in the indictment.

SECTION 2. Amends Chapter 493, Government Code, by adding Section 493.0251, as follows:

Sec. 493.0251. VICTIM NOTIFICATION OF SUBSEQUENT FELONY. (a) Defines "victim," "guardian of a victim," and "close relative of a deceased victim."

(b) Requires TDCJ, if TDCJ receives a notification under Article 2.023, Code of Criminal Procedure, regarding the indictment of a defendant described by that article, to make a reasonable effort, to the extent requested under Subsection (c), to provide notice of the offense charged in the indictment to each victim, guardian of a victim, or close relative of a deceased victim of an offense described by Article 2.023(a), Code of Criminal Procedure, for which the defendant was previously imprisoned at a facility operated by or under contract with TDCJ and subsequently released.

(c) Requires TDCJ to adopt a procedure by which a victim, guardian of a victim, or close relative of a deceased victim may request to receive notice under this section and inform TDCJ of the person's address for purposes of providing the notice.

(d) Prohibits the Texas Board of Criminal Justice (TBCJ) or TDCJ, except as necessary to comply with this section, from disclosing to any person the name or address of a person entitled to notice under this section unless the person approves the disclosure or a court determines that there is good cause for the disclosure and orders TBCJ or TDCJ to disclose the information.

SECTION 3. Requires TDCJ, not later than November 1, 2017, to adopt rules necessary to implement Section 493.0251, Government Code, as added by this Act.

SECTION 4. Makes application of Article 2.023, Code of Criminal Procedure, as added by this Act, prospective to December 1, 2017.

SECTION 5. Effective date: September 1, 2017.