

BILL ANALYSIS

C.S.H.B. 291
By: Goolsby
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current Texas law does not provide notification to the victims or family of victims of violent crimes when a defendant has successfully utilized the insanity plea and is discharged or released to outpatient care. This provision affords victims the same notification as when an offender is criminally convicted of a violent crime.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B 291 amends Section 4 (d), Article 46.03, Code of Criminal Procedure by adding Subdivision (8) to provide a victim notification of release. Subdivision (8) provides that once the court issues an order that requires the release of an acquitted person by reason of insanity to outpatient supervision or judicial release, the clerk of the court of jurisdiction shall provide the name, address, and phone number contained in the victim impact statement to the Texas Department of Criminal Justice Victim Services Division. The Victim Services Division will then notify the victim, the victim's guardian, or the close relative indicated in the impact statement.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

In the original House Bill 291, the clerk of the court was to make the effort of victim notification. In the committee substitute, the clerk of the court now notifies Texas Department of Criminal Justice Victim Services Division who will be responsible for this action.