

BILL ANALYSIS

C.S.H.B. 963
By: Guillen
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

While current law allows a crime victim to register to be notified of the defendant's release or escape, those who witnessed the crime and testified against the perpetrator who can be equally at risk for violent retribution are not notified of the defendant's release or escape. C.S.H.B. 963 will allow witnesses of a crime to be notified of certain defendant's release or escape.

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. 963 amends Article 56.11, Code of Criminal Procedure, to provide that, along with victim notification, the Texas Department of Criminal Justice (TDCJ) or the sheriff in the case of a felony offense or a misdemeanor offense must notify upon a defendant's release or escape from a correctional facility in which a witness testified against that defendant. an offense described under Section 508.187(a) of the Government Code other than sexual performance of a child and possession of promotion of child pornography. The legislation makes other conforming changes to add witness notification to the current victim notification process.

C.S.H.B. 963 adds defendants convicted of offenses listed under Title 5 of the Penal Code, Offenses Against the Person, that is punishable as a felony, to the list of offenses for which notification is required, and eliminates notification to victims and witnesses for defendants convicted of Sexual Performance by a Child or Possession or Promotion of Child Pornography as described in Sections 43.25 and 43.26 of the Penal Code. It also adds email address to the list of contact information needed by the notifying law enforcement agency in order to notify the victim or witness. The bill provides that TDCJ or the sheriff should provide the prescribed notice by e-mail, if possible, and makes a reasonable attempt to give any notice. Reasonable attempt consists of e-mailing and mailing notification to the last known addresses. The legislation also provides that, immediately upon the conviction of a defendant to whom this article applies, the prosecuting attorney must notify in writing the victim or witness of their right to receive notice under the article.

Further, C.S.H.B. 963 amends Article 56.12, Code of Criminal Procedure, to provide that TDCJ must immediately notify the witness, the witness's guardian or the witness's close relative, if the witness is deceased, of the escape or transfer of the defendant, if that witness or other relation as listed above has notified TDCJ of their desire for notification. When providing notice of escape or transfer, the institutional division must include the name, address, and telephone number of the peace officer receiving the defendant into custody. The bill defines the term "witness's close relative".

C.S.H.B. 963 also adds Article 56.15, Code of Criminal Procedure, which requires TDCJ to create and maintain a computerized database containing the release information and release date of a defendant to which this legislation applies. TDCJ must allow a victim or witness who is entitled to receive notice under Article 56.11 or 56.12, Code of Criminal Procedure, to access this database via the Internet.

C.S.H.B. 963 provides that the changes in law made by this Act to Section 56.11 and Section 56.12, Code of Criminal Procedure, apply only to a notice regarding a defendant who is released

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or escapes on or after September 1, 2007. It also provides that TDCJ must complete the creation of the computerized database required by this Act under Article 56.15, Code of Criminal Procedure, not later than March 1, 2008, and allow victims and witnesses to access that database no later than September 1, 2008.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 963 removes the name of the Act from the original bill.