

By: Guillen (Senate Sponsor - West) H.B. No. 963
(In the Senate - Received from the House March 21, 2007;
April 3, 2007, read first time and referred to Committee on
Criminal Justice; May 10, 2007, reported favorably by the
following vote: Yeas 7, Nays 0; May 10, 2007, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to providing notice of the release or escape of a defendant
to certain crime victims and witnesses in criminal trials.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 56.11, Code of Criminal Procedure, is
amended to read as follows:

Art. 56.11. NOTIFICATION TO VICTIM OR WITNESS OF RELEASE OR
ESCAPE OF DEFENDANT. (a) The Texas Department of Criminal Justice
or the sheriff, whichever has custody of the defendant in the case
of a felony, or the sheriff in the case of a misdemeanor, shall
notify the victim of the offense or 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, whenever a defendant ~~[person]~~ convicted of an
offense described by Subsection (c):

(1) completes the defendant's ~~[person's]~~ sentence and
is released; or

(2) escapes from a correctional facility.

(b) If the Texas Department of Criminal Justice is required
by Subsection (a) to give notice to a ~~[the]~~ victim or witness ~~[of an
offense]~~, the department shall also give notice to local law
enforcement officials in the county in which the victim or witness
resides.

(c) This article applies to a defendant ~~[person]~~ convicted
of:

(1) an offense under Title 5, Penal Code, that is
punishable as a felony;

(2) an offense described by Section 508.187(a),
Government Code, other than an offense described by Subdivision
(1); ~~[7]~~ or

(3) an offense involving family violence, stalking, or
violation of a protective order or magistrate's order.

(d) It is the responsibility of a victim or witness desiring
notification of the defendant's ~~[offender's]~~ release to provide the
Texas Department of Criminal Justice or the sheriff, as
appropriate, with the e-mail 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
department or the sheriff of any change of address or telephone
number of the victim, witness, or other person. Information
obtained and maintained by the Texas Department of Criminal Justice
or a sheriff under this subsection is privileged and confidential.

(e) The Texas Department of Criminal Justice or the sheriff,
as appropriate:

(1) ~~[7]~~ shall make a reasonable attempt to give any
~~[the]~~ notice required by Subsection (a):

(A) ~~[(1)]~~ not later than the 30th day before the
date the defendant ~~[person]~~ completes the sentence and is released;
or

(B) ~~[(2)]~~ immediately if the defendant ~~[person]~~
escapes from the correctional facility; and

(2) may give any notice required by Subsection (a) by
e-mail, if possible.

(f) An attempt by the Texas Department of Criminal Justice
or the sheriff to give notice to a ~~[the]~~ 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 department or agency, constitutes a reasonable

attempt to give notice under this article.

(g) Not later than immediately following the conviction of a defendant described by Subsection (c), the attorney who represented the state in the prosecution of the case shall 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) In this article:

(1) "Correctional facility" has the meaning assigned by Section 1.07, Penal Code.

(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.

SECTION 2. Article 56.12, Code of Criminal Procedure, is amended to read as follows:

Art. 56.12. NOTIFICATION OF ESCAPE OR TRANSFER. (a) The Texas Department of Criminal Justice shall immediately notify the victim of an offense, the victim's guardian, or the victim's close relative, if the victim is deceased, if the victim, victim's guardian, or victim's close relative has notified the institutional division as provided by Subsection (b) of this article, whenever the defendant ~~[offender]~~:

(1) escapes from a facility operated by the institutional division; or

(2) 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.

(a-1) The Texas Department of Criminal Justice shall 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:

(1) escapes from a facility operated by the institutional division; or

(2) 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) It is the responsibility of the victim, witness, guardian, or close relative desiring notification of a defendant's ~~[an offender's]~~ escape or transfer from custody under a writ of attachment or bench warrant to notify the Texas Department of Criminal Justice of the desire for notification and any change of address.

(c) In providing notice under Subsection (a)(2) or (a-1)(2), the institutional division shall include the name, address, and telephone number of the peace officer receiving the defendant ~~[inmate]~~ into custody. On returning the defendant ~~[inmate]~~ to the custody of the institutional division, the victim services division of the Texas Department of Criminal Justice shall notify the victim, witness, ~~[the victim's]~~ guardian, or ~~[the victim's]~~ close relative, as applicable ~~[if the victim is deceased]~~, of that fact.

(d) In this article, "witness's close relative" means a person who was the spouse of the deceased witness at the time of the witness's death or who is a parent or adult brother, sister, or child of the deceased witness.

SECTION 3. Subchapter A, Chapter 56, Code of Criminal Procedure, is amended by adding Article 56.15 to read as follows:

Art. 56.15. COMPUTERIZED DATABASE; DEFENDANT RELEASE INFORMATION. The Texas Department of Criminal Justice shall:

(1) create and maintain a computerized database containing the release information and release date of a defendant described by Article 56.11(c); and

(2) 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. The changes in law made by Articles 56.11 and 56.12, Code of Criminal Procedure, as amended by this Act, apply only to a notice regarding a defendant who is released or escapes on

3-1 or after September 1, 2007. A notice regarding a defendant who is
3-2 released or escapes before September 1, 2007, is governed by the law
3-3 in effect at the time the defendant was released or escaped, and the
3-4 previous law is continued in effect for that purpose.

3-5 SECTION 5. The Texas Department of Criminal Justice shall
3-6 complete the creation of the computerized database required by
3-7 Article 56.15, Code of Criminal Procedure, as added by this Act, not
3-8 later than March 1, 2008, and shall begin to allow victims or
3-9 witnesses described by Article 56.11 or 56.12, Code of Criminal
3-10 Procedure, access to that database on a date that is not later than
3-11 September 1, 2008.

3-12 SECTION 6. This Act takes effect September 1, 2007.

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