

## LEGISLATIVE BUDGET BOARD

Austin, Texas

### FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 8, 2007

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB963** by Guillen (Relating to providing notice of the release or escape of a defendant to certain crime victims and witnesses in criminal trials.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code by requiring the Texas Department of Criminal Justice (TDCJ) to notify a witness who testified against the defendant who committed a felony at a trial for the offense and local law enforcement officials where the witness resides, when a defendant completes the sentence and is released from prison.

It is the responsibility of the witness to provide TDCJ or the local sheriff contact information whenever there is a change of address or telephone number. The TDCJ or the sheriff shall make a reasonable attempt to give any notice, not later than the 30<sup>th</sup> day prior to the defendant's release from prison, or immediately if the defendant escapes from the correctional facility. A record of an attempt to contact the witness by email or mailing address by TDCJ or the sheriff constitutes a reasonable attempt to give notice. The bill further requires that immediately following the felony conviction of a defendant, the state's prosecuting attorney shall notify the victim or witness of the right to receive notice as the bill describes. TDCJ shall notify the witness, the witness's guardian, or if the witness is deceased, the witness's guardian, or close relative defined to be the spouse of the deceased witness at the time of the witness's death or who is the parent or adult brother, sister, or child of the deceased witness, when the defendant escapes from a TDCJ facility or is transferred from the institution to the custody of a peace officer under a writ of attachment or a bench warrant. The witness shall receive notice of the defendant's return to the custody of the institution. It is the responsibility of the witness to provide TDCJ or the local sheriff contact information whenever there is a change of address or telephone number. TDCJ shall create and maintain a computerized database containing the release information and release date of the defendant as described by Article 56.11(c) and notify the victim or witness to access via the Internet the computerized database maintained by TDCJ.

The Texas Department of Criminal Justice has determined that the cost of implementing the bill would not be significant.

#### Local Government Impact

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, ES, GG, SDO, KJG