

By: Bolton, Herrero, Moody

H.B. No. 1003

A BILL TO BE ENTITLED

1 AN ACT
2 relating to notice provided to certain victims or witnesses
3 regarding certain inmates or defendants who are electronically
4 monitored.

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

6 SECTION 1. Article 56.11, Code of Criminal Procedure, is
7 amended by adding Subsection (a-1) and amending Subsections (d),
8 (e), and (f) to read as follows:

9 (a-1) The Texas Department of Criminal Justice, in the case
10 of an inmate released on parole or to mandatory supervision
11 following a term of imprisonment for an offense described by
12 Subsection (c), or a community supervision and corrections
13 department supervising a defendant, in the case of a defendant
14 convicted of an offense described by Subsection (c) and
15 subsequently released on community supervision, shall notify a
16 victim or witness described by Subsection (a) whenever the inmate
17 or defendant, if subject to electronic monitoring as a condition of
18 release, ceases to be electronically monitored.

19 (d) It is the responsibility of a victim or witness desiring
20 notification of the defendant's release to provide the Texas
21 Department of Criminal Justice, ~~or~~ the sheriff, or the community
22 supervision and corrections department supervising the defendant,
23 as appropriate, with the e-mail address, mailing address, and
24 telephone number of the victim, witness, or other person through

1 whom the victim or witness may be contacted and to notify the
2 appropriate department or the sheriff of any change of address or
3 telephone number of the victim, witness, or other
4 person. Information obtained and maintained by the Texas
5 Department of Criminal Justice, ~~or~~ a sheriff, or a community
6 supervision and corrections department under this subsection is
7 privileged and confidential.

8 (e) The Texas Department of Criminal Justice, ~~or~~ the
9 sheriff, or the community supervision and corrections department
10 supervising the defendant, as appropriate:

11 (1) shall make a reasonable attempt to give any notice
12 required by Subsection (a) or (a-1):

13 (A) not later than the 30th day before the date
14 the defendant completes the sentence and is released or ceases to be
15 electronically monitored as a condition of release; or

16 (B) immediately if the defendant escapes from the
17 correctional facility; and

18 (2) may give any notice required by Subsection (a) or
19 (a-1) by e-mail, if possible.

20 (f) An attempt by the Texas Department of Criminal Justice,
21 ~~or~~ the sheriff, or the community supervision and corrections
22 department supervising the defendant to give notice to a victim or
23 witness at the victim's or witness's last known mailing address or,
24 if notice via e-mail is possible, last known e-mail address, as
25 shown on the records of the appropriate department or agency,
26 constitutes a reasonable attempt to give notice under this article.

27 SECTION 2. The change in law made by this Act applies only

1 to the notice regarding an inmate or defendant who is ordered, on or
2 after the effective date of this Act, to submit to electronic
3 monitoring as a condition of release. A notice regarding an inmate
4 or defendant who was ordered before the effective date of this Act
5 to submit to electronic monitoring as a condition of release is
6 governed by the law in effect at the time the defendant was ordered
7 to submit to electronic monitoring, and the previous law is
8 continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2009.