

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.