

By: Bolton

H.B. No. 1003

A BILL TO BE ENTITLED

AN ACT

relating to notice provided to certain victims or witnesses regarding certain inmates or defendants who are electronically monitored.

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

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

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

(d) It is the responsibility of a victim or witness desiring notification of the defendant's release to provide the Texas Department of Criminal Justice, ~~or~~ the sheriff, or the community supervision and corrections department supervising the defendant, as appropriate, with the e-mail address, mailing address, and 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, ~~[or]~~
21 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.