

1-1 By: Bolton, Herrero, Moody H.B. No. 1003
1-2 (Senate Sponsor - Whitmire)
1-3 (In the Senate - Received from the House May 4, 2009;
1-4 May 6, 2009, read first time and referred to Committee on Criminal
1-5 Justice; May 20, 2009, reported favorably by the following vote:
1-6 Yeas 6, Nays 0; May 20, 2009, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to notice provided to certain victims or witnesses
1-10 regarding certain inmates or defendants who are electronically
1-11 monitored.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article 56.11, Code of Criminal Procedure, is
1-14 amended by adding Subsection (a-1) and amending Subsections (d),
1-15 (e), and (f) to read as follows:

1-16 (a-1) The Texas Department of Criminal Justice, in the case
1-17 of an inmate released on parole or to mandatory supervision
1-18 following a term of imprisonment for an offense described by
1-19 Subsection (c), or a community supervision and corrections
1-20 department supervising a defendant, in the case of a defendant
1-21 convicted of an offense described by Subsection (c) and
1-22 subsequently released on community supervision, shall notify a
1-23 victim or witness described by Subsection (a) whenever the inmate
1-24 or defendant, if subject to electronic monitoring as a condition of
1-25 release, ceases to be electronically monitored.

1-26 (d) It is the responsibility of a victim or witness desiring
1-27 notification of the defendant's release to provide the Texas
1-28 Department of Criminal Justice, ~~or~~ the sheriff, or the community
1-29 supervision and corrections department supervising the defendant,
1-30 as appropriate, with the e-mail address, mailing address, and
1-31 telephone number of the victim, witness, or other person through
1-32 whom the victim or witness may be contacted and to notify the
1-33 appropriate department or the sheriff of any change of address or
1-34 telephone number of the victim, witness, or other
1-35 person. Information obtained and maintained by the Texas
1-36 Department of Criminal Justice, ~~or~~ a sheriff, or a community
1-37 supervision and corrections department under this subsection is
1-38 privileged and confidential.

1-39 (e) The Texas Department of Criminal Justice, ~~or~~ the
1-40 sheriff, or the community supervision and corrections department
1-41 supervising the defendant, as appropriate:

1-42 (1) shall make a reasonable attempt to give any notice
1-43 required by Subsection (a) or (a-1):

1-44 (A) not later than the 30th day before the date
1-45 the defendant completes the sentence and is released or ceases to be
1-46 electronically monitored as a condition of release; or

1-47 (B) immediately if the defendant escapes from the
1-48 correctional facility; and

1-49 (2) may give any notice required by Subsection (a) or
1-50 (a-1) by e-mail, if possible.

1-51 (f) An attempt by the Texas Department of Criminal Justice,
1-52 ~~or~~ the sheriff, or the community supervision and corrections
1-53 department supervising the defendant to give notice to a victim or
1-54 witness at the victim's or witness's last known mailing address or,
1-55 if notice via e-mail is possible, last known e-mail address, as
1-56 shown on the records of the appropriate department or agency,
1-57 constitutes a reasonable attempt to give notice under this article.

1-58 SECTION 2. The change in law made by this Act applies only
1-59 to the notice regarding an inmate or defendant who is ordered, on or
1-60 after the effective date of this Act, to submit to electronic
1-61 monitoring as a condition of release. A notice regarding an inmate
1-62 or defendant who was ordered before the effective date of this Act
1-63 to submit to electronic monitoring as a condition of release is
1-64 governed by the law in effect at the time the defendant was ordered

2-1 to submit to electronic monitoring, and the previous law is
2-2 continued in effect for that purpose.

2-3 SECTION 3. This Act takes effect September 1, 2009.

2-4

* * * * *