

By: Martinez

H.B. No. 3598

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of an electronic monitoring pilot program by the Texas Department of Criminal Justice.

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

SECTION 1. Chapter 493, Government Code, is amended by adding Section 493.033 to read as follows:

Sec. 493.033. ELECTRONIC MONITORING PILOT PROGRAM. (a)

The department shall establish an electronic monitoring pilot program in a county with a population of more than one million and in which more than 80 percent of the population resides in a single municipality.

(b) The following individuals are eligible to participate in the electronic monitoring pilot program:

(1) an individual who is placed on community supervision under Section 15, Article 42.12, Code of Criminal Procedure; and

(2) an individual who:

(A) has not been convicted of an offense described by Section 3g, Article 42.12, Code of Criminal Procedure;

(B) has been placed on community supervision or released on parole or to mandatory supervision, if a motion has been filed or a warrant issued to revoke the individual's community supervision, parole, or mandatory supervision for a technical violation of the individual's conditions of community supervision

1 or release; and

2 (C) has not previously been the subject of a  
3 motion or warrant described by Paragraph (B).

4 (c) The electronic monitoring pilot program established  
5 under this section must:

6 (1) require:

7 (A) for all program participants, the use of  
8 active global positioning satellite technology with a single,  
9 continuously worn tracking device; and

10 (B) for program participants who have been placed  
11 on community supervision or released on parole or to mandatory  
12 supervision for an offense in which the use of alcohol or a  
13 controlled substance significantly contributed to the commission  
14 of the offense, appropriate alcohol or substance abuse treatment;  
15 and

16 (2) provide for the use of global positioning  
17 satellite technology that is:

18 (A) capable of automatically correlating crime  
19 scene information, integrating law enforcement data from across the  
20 state, and interfacing with local and state law enforcement  
21 databases and computerized information management systems; and

22 (B) provided under contract with the department  
23 by a vendor that:

24 (i) is the original equipment manufacturer  
25 of the global positioning satellite device to be used in the pilot  
26 program; and

27 (ii) at the time of entering the contract

1 with the department, has 1,000 or more devices in operation under  
2 contract with another state agency or political subdivision of the  
3 state.

4 (d) The department shall adopt rules as necessary to  
5 implement the electronic monitoring pilot program established  
6 under this section.

7 (e) This section expires September 1, 2011.

8 SECTION 2. The Texas Department of Criminal Justice shall  
9 establish the electronic monitoring pilot program as required by  
10 Section 493.033, Government Code, as added by this Act, not later  
11 than September 1, 2009.

12 SECTION 3. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2009.