

BILL ANALYSIS

H.B. 1028
By: Phillips
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, an offender released on parole may be prohibited from contacting the victim as a condition of parole. However, there is concern that current statutes do not expressly prohibit a convicted offender from contacting the victim during the term of imprisonment. H.B. 1028 seeks to remedy the issue by authorizing courts to prohibit defendants from contacting a victim, or a member of the victim's family, for the duration of a prison sentence or confinement and to deter such prohibited contact during imprisonment by authorizing the forfeiture of an inmate's good conduct time for a violation of a no-contact order.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1028 amends the Code of Criminal Procedure to authorize a court convicting a defendant whose sentence includes a term of confinement or imprisonment, as part of the sentence, to prohibit the defendant from contacting the victim of the offense of which the defendant is convicted or a member of the victim's family during the term of the defendant's confinement or imprisonment. The bill authorizes the sheriff in charge of a county jail to forfeit and take away all or any part of a defendant's accrued good conduct time if the defendant, in violation of the prohibition, contacts the victim of the offense for which the defendant is serving a sentence or a member of the victim's family.

H.B. 1028 amends the Government Code to include a violation of an order prohibiting such contact by an inmate among the violations for which the Texas Department of Criminal Justice (TDCJ) is required to forfeit all or any part of an inmate's accrued good conduct time. The bill authorizes a parole panel considering the release of an inmate on parole or to mandatory supervision to consider whether the inmate violated a policy adopted by TDCJ prohibiting an inmate from contacting a victim or the victim's family in certain circumstances or violated an order entered under the bill's provisions prohibiting an inmate from contacting a victim.

EFFECTIVE DATE

September 1, 2011.