

BILL ANALYSIS

Senate Research Center

H.B. 2124
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, when a person is acquitted by reason of insanity, the person remains under the jurisdiction of the court. In many cases, the person is committed to patient care in a state hospital. When the acquitted person is released, the clerk of the releasing court provides the victim's name and contact information to the Texas Department of Criminal Justice (TDCJ) victim services division so the division can notify the victim or the victim's guardian or close relative of the release. Unnecessary delays in this notification may occur if the person was not in a TDCJ facility and the victim services division must rely on the court to provide the patient information and victim contact information. If a victim wants additional information, the victim services division must refer the recipients of the notification to the court supervising the person.

In order to ensure prompt and effective victim notification, H.B. 2124 gives the responsibility of notifying a victim of the release of a perpetrator from inpatient treatment to the clerk of the court with jurisdiction over the commitment. The bill then eliminates the requirement that victim information be provided to TDCJ, since this is no longer necessary.

H.B. 2124 amends current law relating to victim notification regarding the release of a defendant who was acquitted by reason of insanity in a criminal case.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Transfers Section 4(d)(8), Article 46.03, Code of Criminal Procedure, to Subchapter A, Chapter 46C, Code of Criminal Procedure, redesignates it as Article 46C.003, Code of Criminal Procedure, and amends it as follows:

Art. 46C.003. New heading: VICTIM NOTIFICATION OF RELEASE. Requires the clerk of the court, if the court issues an order that requires the release of an acquitted person on discharge or on a regimen of outpatient care, using the information provided on any victim impact statement received by the court under Article 56.03 (Victim Impact Statement) or other information made available to the court, to notify the victim or the victim's guardian or close relative of the release. Authorizes the clerk of the court, notwithstanding Article 56.03(f) (relating to prohibiting the court from inspecting a victim impact statement until after a finding of guilt or until deferred adjudication is ordered and prohibiting the disclosure of the contents of the statement to any person unless certain conditions exist), to inspect a victim impact statement for the purpose of notification under this article. Makes a conforming change.

Deletes existing text requiring the clerk of the court, if the court issues an order that requires the release of an acquitted person on discharge or on a regimen of outpatient care, to, using the information provided on any victim impact statement received by the court under Article 56.03 or other information made available to the court, provide name, address, and phone number information to the Texas Department of Criminal Justice victim services division to enable the division to notify the victim or the victim's guardian

or close relative of the release. Deletes existing text requiring the victim services division to notify any victim or guardian or close relative named in the victim impact statement or other information.

SECTION 2. Effective date: upon passage or September 1, 2011.