

AN ACT

relating to certain contact between a criminal defendant and the victim of the offense of which the defendant is convicted or a member of the victim's family.

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

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.24 to read as follows:

Art. 42.24. PROHIBITING CONTACT WITH VICTIM. If a defendant's sentence includes a term of confinement or imprisonment, the convicting court may, as part of the sentence, prohibit the defendant from contacting, during the term of the defendant's confinement or imprisonment, the victim of the offense of which the defendant is convicted or a member of the victim's family.

SECTION 2. Section 5, Article 42.032, Code of Criminal Procedure, is amended to read as follows:

Sec. 5. Any part or all of the commutation accrued under this article may be forfeited and taken away by the sheriff:

(1) for a sustained charge of misconduct in violation of any rule known to the defendant, including escape or attempt to escape, if the sheriff has complied with discipline proceedings as approved by the Commission on Jail Standards; ~~or~~

(2) on receipt by the sheriff of a certified copy of a final order of a state or federal court that dismisses as frivolous

1 or malicious a lawsuit brought by a defendant while the defendant
2 was in the custody of the sheriff; or

3 (3) if the defendant, in violation of an order entered
4 under Article 42.24, contacts the victim of the offense for which
5 the defendant is serving a sentence or a member of the victim's
6 family.

7 SECTION 3. Section 498.0042(b), Government Code, is amended
8 to read as follows:

9 (b) If, during the actual term of imprisonment of an inmate
10 in the institutional division or a transfer facility, the inmate
11 violates a policy adopted under Subsection (a) or an order entered
12 under Article 42.24, Code of Criminal Procedure, the department
13 shall forfeit all or any part of the inmate's accrued good conduct
14 time. The department may not restore good conduct time forfeited
15 under this subsection.

16 SECTION 4. Subchapter E, Chapter 508, Government Code, is
17 amended by adding Section 508.1531 to read as follows:

18 Sec. 508.1531. CONTACT WITH VICTIM. A parole panel
19 considering the release of an inmate on parole or to mandatory
20 supervision may consider whether the inmate violated a policy
21 adopted by the department under Section 498.0042(a) or a court
22 order entered under Article 42.24, Code of Criminal Procedure.

23 SECTION 5. This Act takes effect September 1, 2011.

H.B. No. 1028

President of the Senate

Speaker of the House

I certify that H.B. No. 1028 was passed by the House on April 7, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1028 was passed by the Senate on May 16, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor