

## MINUTES

### SENATE COMMITTEE ON CRIMINAL JUSTICE

Tuesday, March 22, 2011  
1:30 PM or upon adjournment  
Capitol Extension, Room E1.016

\*\*\*\*\*

Pursuant to a notice posted in accordance with Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on Criminal Justice was held on Tuesday, March 22, 2011, in the Capitol Extension, Room E1.016, at Austin, Texas.

\*\*\*\*\*

**MEMBERS PRESENT:**

Senator John Whitmire, Chair  
Senator Joan Huffman, Vice Chair  
Senator John Carona  
Senator Rodney Ellis  
Senator Glenn Hegar  
Senator Juan Hinojosa  
Senator Dan Patrick

**MEMBERS ABSENT:**

None

\*\*\*\*\*

The chair called the meeting to order at 1:39 PM. There being a quorum present, the following business was transacted:

At 1:40 PM Senator Hinojosa assumed the chair.

The chair laid out SB 882 and recognized the author, Senator Whitmire, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Hinojosa moved that SB 882 be left pending; without objection, it was so ordered.

The chair laid out SB 779 and recognized the author, Senator Whitmire, to explain the bill.

Senator Whitmire sent up a committee substitute; the chair recognized Senator Whitmire to explain the difference between the committee substitute and the senate bill as filed. Senator Whitmire moved adoption of the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Hinojosa moved that SB 779 be left pending; without objection, it was so ordered.

At 1:49 PM Senator Whitmire assumed the chair.

The chair laid out SB 331 and recognized the author, Senator Shapiro, to explain the bill.

Senator Whitmire sent up a committee substitute; the chair recognized Senator Shapiro to explain the difference between the committee substitute and the senate bill as filed. Senator Whitmire moved adoption of the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 331 be left pending; without objection, it was so ordered.

The chair laid out SB 377 and recognized the author, Senator Huffman, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 377 be left pending; without objection, it was so ordered.

The chair laid out SB 364 and recognized the author, Senator Ogden, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 364 be left pending; without objection, it was so ordered.

The chair laid out SB 122 and recognized the author, Senator Ellis, to explain the bill.

Senator Ellis sent up Committee Amendment 1 and moved adoption; without objection, the amendment was adopted. Senator Ellis requested unanimous consent to incorporate the amendments into the bill to create a committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 122 be left pending; without objection, it was so ordered.

The chair laid out SB 158 and recognized the author, Senator Williams, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 158 be left pending; without objection, it was so ordered.

The chair laid out SB 159 and recognized the author, Senator Williams, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 159 be left pending; without objection, it was so ordered.

The chair laid out SB 887 and recognized the author, Senator Carona, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 887 be left pending; without objection, it was so ordered.

The chair laid out SB 82 and recognized Senator Huffman, in the absence of the author, to explain the bill.

Senator Huffman sent up a committee substitute; the chair recognized Senator Huffman to explain the difference between the committee substitute and the senate bill as filed. Senator Huffman moved adoption of the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Huffman moved that SB 82 do not pass but that CSSB 82 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Huffman moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Carona moved that SB 158 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Patrick moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Hegar and Senator Ellis requested that they be shown voting aye on CSSB 82 and SB 158. The chair made a motion that Senator Hegar and Senator Ellis's votes be recorded; without objection it was so ordered.

Senator Carona moved that SB 159 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Patrick moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Hinojosa moved that SB 331 do not pass but that CSSB 331 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Carona moved that the bill be

recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Carona moved that SB 364 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Carona moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Huffman moved that SB 377 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 1 nay, 0 present not voting, and 0 absent.

Senator Hinojosa moved that SB 779 do not pass but that CSSB 779 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Hinojosa moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Hinojosa moved that SB 882 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Hinojosa moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Carona moved that SB 887 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Carona moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 354 and recognized the author, Senator Wentworth, to explain the bill.

Senator Whitmire sent up a committee substitute; the chair recognized Senator Wentworth to explain the difference between the committee substitute and the senate bill as filed. Senator Whitmire moved adoption of the committee substitute; without objection, it was so ordered.

Senator Whitmire sent up Committee Amendment 1 and moved adoption; without objection, the amendment was adopted. Senator Whitmire requested unanimous consent to incorporate the amendments into the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 354 be left pending; without objection, it was so ordered.

Senator Ellis moved that SB 122 do not pass but that CSSB 122 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Carona submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 121. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent.

There being no further business, at 7:56 PM Senator Whitmire moved that the Committee be adjourned. Without objection, it was so ordered.

---

Senator John Whitmire, Chair

---

Michaela Bernacchio, Clerk