

## MINUTES

### SENATE COMMITTEE ON CRIMINAL JUSTICE

Tuesday, April 5, 2011

1:30 PM

Capitol Extension, Room E1.016

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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, April 5, 2011, in the Capitol Extension, Room E1.016, at Austin, Texas.

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**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

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The chair called the meeting to order at 11:35 AM. There being a quorum present, the following business was transacted:

The chair laid out SB 348 and recognized the author, Senator Estes, 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 348 be left pending; without objection, it was so ordered.

The chair laid out SB 913 and recognized the author, Senator Estes, to explain the bill.

**Senate Committee on Criminal Justice**

Minutes

Tuesday, April 5, 2011

Page 2

Senator Carona sent up a committee substitute; the chair recognized Senator Estes to explain the difference between the committee substitute and the senate bill as filed. Senator Carona 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 913 be left pending; without objection, it was so ordered.

The chair laid out as a matter of pending business SB 407 and recognized the author, Senator Watson, to explain the bill.

Senator Huffman sent up a committee substitute; the chair recognized Senator Watson 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 Ellis moved that SB 407 do not pass but that CSSB 407 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 1 nay, 0 present not voting, and 1 absent.

Senator Hinojosa moved that SB 348 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, 0 nays, 0 present not voting, and 1 absent. Senator Hinojosa moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1014 and recognized the author, Senator Davis, to explain the bill.

Senator Carona sent up a committee substitute; the chair recognized Senator Davis 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 1014 be left pending; without objection, it was so ordered.

The chair laid out SB 757 and recognized the author, Senator Deuell, 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 757 be left pending; without objection, it was so ordered.

The chair laid out SB 1273 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 1273 be left pending; without objection, it was so ordered.

The chair laid out SB 167 and recognized the author, Senator West, to explain the bill.

Senator Whitmire sent up a committee substitute; the chair recognized Senator West 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 167 be left pending; without objection, it was so ordered.

The chair laid out SB 939 and recognized the author, Senator Lucio, to explain the bill.

Senator Ellis sent up a committee substitute; the chair recognized Senator Lucio to explain the difference between the committee substitute and the senate bill as filed. Senator Ellis 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.

At 3:50 PM Senator Huffman assumed the chair.

At 3:55 PM Senator Whitmire resumed the chair. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 939 be left pending; without objection, it was so ordered.

At 4:20 PM Senator Huffman assumed the chair.

At 4:30 PM Senator Hinojosa assumed the chair.

The chair laid out SB 152 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 Hinojosa moved that SB 152 be left pending; without objection, it was so ordered.

The chair laid out SB 1010 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 Hinojosa moved that SB 1010 be left pending; without objection, it was so ordered.

At 4:55 PM Senator Huffman assumed the chair.

The chair laid out SB 1676 and recognized the author, Senator Ellis, 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 Huffman moved that SB 1676 be left pending; without objection, it was so ordered.

The chair laid out SB 1680 and recognized the author, Senator Ellis, to explain the bill.

Senator Ellis sent up a committee substitute; the chair recognized Senator Ellis 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 1680 be left pending; without objection, it was so ordered.

The chair laid out SB 976 and recognized the author, Senator Hinojosa, 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.

At 5:15 PM Senator Whitmire resumed the chair.

Senator Whitmire moved that SB 976 be left pending; without objection, it was so ordered.

The chair laid out SB 496 and recognized Senator Patrick, in the absence of the author, 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 496 be left pending; without objection, it was so ordered.

The chair laid out SB 843 and recognized the author, Senator Patrick, 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 843 be left pending; without objection, it was so ordered.

The chair laid out SB 844 and recognized the author, Senator Patrick, 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 844 be left pending; without objection, it was so ordered.

The chair laid out SB 1055 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 Whitmire moved that SB 1055 be left pending; without objection, it was so ordered.

The chair laid out SB 1103 and recognized Senator Huffman, in the absence of the author, 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 1103 be left pending; without objection, it was so ordered.

The chair laid out as a matter of pending business SB 198 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. Senator Whitmire moved that SB 198 be left pending; without objection, it was so ordered.

At 5:45 PM Senator Huffman assumed the chair.

The chair laid out SB 1600 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 Huffman moved that SB 1600 be left pending; without objection, it was so ordered.

At 5:55 PM Senator Whitmire resumed the chair.

Senator Huffman moved that SB 167 do not pass but that CSSB 167 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 167. 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 Hegar moved that SB 913 do not pass but that CSSB 913 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 CSS 913. 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 Patrick moved that SB 1273 be reported favorably 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 SB 1273. 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 Huffman moved that SB 152 be reported favorably 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 SB 152. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

Senator Huffman moved that SB 1010 be reported favorably 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 SB 1010. 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 Ellis moved that SB 1676 be reported favorably 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 SB 1676. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Ellis moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

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

Senator Ellis moved that SB 1680 do not pass but that CSSB 1680 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 1680. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Ellis moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Hinojosa moved that SB 976 be reported favorably 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 SB 976. The motion carried with a record vote of 6 ayes, 1 nay, 0 present not voting, and 0 absent.

Senator Patrick moved that SB 496 be reported favorably 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 SB 496. 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 Patrick moved that SB 843 be reported favorably 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 SB 843. The motion carried with a record vote of 6 ayes, 1 nay, 0 present not voting, and 0 absent.

Senator Patrick moved that SB 844 be reported favorably 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 SB 844. The motion carried with a record vote of 6 ayes, 1 nay, 0 present not voting, and 0 absent.

Senator Hinojosa moved adoption of the committee substitute for SB 1055; without objection, it was so ordered.

Senator Hinojosa moved that SB 1055 do not pass but that CSSB 1055 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 1055. 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 1103 be reported favorably 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 SB 1103. 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 Huffman moved that SB 198 do not pass but that CSSB 198 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 198. The motion carried with a record vote of 7 ayes, 0 nay, 0 present not voting, and 0 absent. Senator Hinojosa moved that the committee reconsider the vote by which CSSB 198 be reported to the senate. Senator Patrick requested that his vote on CSSB 198 be changed from “aye” to “nay.” The motion carried with a record vote of 6 ayes, 1 nay, 0 present not voting and 0 absent.

Senator Huffman moved that SB 1600 be reported favorably 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 SB 1600. 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.

There being no further business, at 6:15 PM Senator Whitmire moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

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Senator John Whitmire, Chair

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Michaela Bernacchio, Clerk