

## MINUTES

### SENATE COMMITTEE ON CRIMINAL JUSTICE

Wednesday, April 13, 2011  
12:00 PM or upon adjournment  
Senator Whitmire's Desk

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Pursuant to suspension of Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on Criminal Justice was held on Wednesday, April 13, 2011, at Senator Whitmire's Desk.

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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 1:45pm. There being a quorum present, the following business was transacted:

As a matter of pending business the chair laid out SB 462 by Senator West.

Senator Ellis moved that SB 462 do not pass but that CSSB 462 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 462. Senator Patrick submitted a motion in writing requesting unanimous consent to be shown voting nay on CSSB 462. The motion carried with a record vote of 5 ayes, 2 nays, 0 present not voting, and 0 absent.

As a matter of pending business the chair laid out SB 604 by Senator Rodriguez.

Senator Hinojosa moved that SB 604 do not pass but that CSSB 604 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on CSSB 604. 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.

As a matter of pending business the chair laid out SB 687 by Senator Huffman.

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 Huffman moved that SB 687 do not pass but that CSSB 687 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on CSSB 687. 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.

As a matter of pending business the chair laid out SB 811 by Senator Zaffirini.

Senator Hinojosa moved that SB 811 do not pass but that CSSB 811 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on CSSB 811. 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.

As a matter of pending business the chair laid out SB 838 by Senator Patrick.

Senator Whitmire moved that SB 838 be reported favorably to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on SB 838. 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.

As a matter of pending business the chair laid out SB 877 by Senator Hinojosa.

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

Senator Hinojosa moved that SB 877 do not pass but that CSSB 877 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on CSSB 877. 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.

As a matter of pending business the chair laid out SB 878 by Senator Whitmire.

Senator Ellis moved that SB 878 be reported favorably to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on SB 878. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent.

Senator Ellis moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

As a matter of pending business the chair laid out SB 879 by Senator Whitmire.

Senator Hinojosa moved that SB 879 be reported favorably to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted

motions in writing requesting unanimous consent to be shown voting aye on SB 879. 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.

As a matter of pending business the chair laid out SB 880 by Senator Whitmire.

Senator Whitmire moved that SB 880 be reported favorably to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on SB 880. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

Senator Whitmire moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

As a matter of pending business the chair laid out SB 905 by Senator Patrick.

Senator Hinojosa moved that SB 905 do not pass but that CSSB 905 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on CSSB 905. The motion carried with a record vote of 6 ayes, 1 nay, 0 present not voting, and 0 absent.

As a matter of pending business the chair laid out SB 953 by Senator Whitmire.

Senator Hinojosa moved that SB 953 be reported favorably to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on SB 953. 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.

As a matter of pending business the chair laid out SB 1014 by Senator Davis.

Senator Ellis moved that SB 1014 do not pass but that CSSB 1014 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick

submitted motions in writing requesting unanimous consent to be shown voting aye on CSSB 1014. 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.

As a matter of pending business the chair laid out SB 1024 by Senator Rodriguez.

Senator Hinojosa moved that SB 1024 be reported favorably to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on SB 1024. 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.

As a matter of pending business the chair laid out SB 1116 by Senator Whitmire.

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.

Senator Whitmire moved that SB 1116 do not pass but that CSSB 1116 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on CSSB 1116. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

Senator Whitmire moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

As a matter of pending business the chair laid out SB 1331 by Senator Watson.

Senator Huffman moved that SB 1331 be reported favorably to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on SB 1331. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

Senator Whitmire moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

As a matter of pending business the chair laid out SB 1378 by Senator Nichols.

Senator Ellis moved that SB 1378 be reported favorably to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on SB 1378. 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.

As a matter of pending business the chair laid out SB 1522 by Senator Hinojosa.

Senator Hinojosa moved that SB 1522 be reported favorably to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on SB 1522. 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.

As a matter of pending business the chair laid out SB 1681 by Senator Ellis.

Senator Ellis moved that SB 1681 do not pass but that CSSB 1681 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick submitted motions in writing requesting unanimous consent to be shown voting aye on CSSB 1681. 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.

As a matter of pending business the chair laid out SB 1687 by Senator Ellis.

Senator Ellis moved that SB 1687 do not pass but that CSSB 1687 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Carona and Senator Patrick

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submitted motions in writing requesting unanimous consent to be shown voting aye on CSSB 1687. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

There being no further business, 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