

MINUTES

SENATE COMMITTEE ON CRIMINAL JUSTICE

Thursday, May 5, 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 Thursday, May 5, 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 3:30 PM. There being a quorum present, the following business was transacted:

The chair laid out SB 1358 and recognized the author, Senator Lucio, to explain the bill.

Senator Hinojosa 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 Hinojosa 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 1358 do not pass but that CSSB 1358 be reported back 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 578 and recognized the author, Senator Fraser, 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 578 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 HB 1566 and recognized the Senate sponsor, Senator Gallegos, 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 HB 1566 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 HB 1566. 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 HB 1567 and recognized the Senate sponsor, Senator Gallegos, Jr., 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 HB 1567 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 HB 1567. 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 motioned that HB 1779 be considered in lieu of SB 1188; without objection, it was so ordered. The chair laid out HB 1779 and recognized the Senate sponsor, Senator Watson, 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 HB 1779 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 HB 1779. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent.

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

The chair laid out HCR 68 and recognized the Senate sponsor, Senator Van de Putte, 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 HCR 68 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 HCR 68. 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 HB 350 and recognized the Senate sponsor, Senator Van de Putte, to explain the bill.

Senator Hinojosa sent up a committee substitute; the chair recognized Senator Van de Putte 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.

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 HB 350 do not pass but that CSHB 350 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Patrick submitted a motion in writing requesting unanimous consent to be shown voting aye on CSHB 350. 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 HB 3000 and recognized the Senate sponsor, Senator Van de Putte, 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 HB 3000 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 HB 3000. 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 HB 2014 and recognized the Senate sponsor, Senator Van de Putte, to explain the bill.

Senator Hinojosa sent up a committee substitute; the chair recognized Senator Van de Putte 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.

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 HB 2014 do not pass but that CSHB 2014 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 CSHB 2014. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent.

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

The chair laid out SB 1503 and recognized the author, Senator Huffman, 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 1503 do not pass but that CSSB 1503 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 1503. 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.

The chair laid out HB 1754 and recognized the Senate sponsor, Senator Wentworth, 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 requested unanimous consent to incorporate the amendments into a committee substitute; without objection, it was so ordered. Senator Whitmire then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Ellis moved that HB 1754 do not pass but that CSHB 1754 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 CSHB 1754. 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.

The chair laid out SB 1526 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.

Senator Whitmire moved that SB 1526 be left pending; without objection, it was so ordered.

The chair laid out HB 27 and recognized the Senate sponsor, 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 Ellis moved that HB 27 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 nay on HB 27. Senator Patrick submitted a motion in writing requesting unanimous consent to be shown voting aye on HB 27. The motion carried with a record vote of 6 ayes, 1 nay, 0 present not voting, and 0 absent.

The chair laid out SB 1787 and recognized Senator Hinojosa, 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 Hinojosa moved that SB 1787 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 HB 1787. 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.

The chair motioned that HB 2725 be considered in lieu of SB 931; without objection, it was so ordered. The chair laid out HB 2725 and recognized Senator Huffman, in the absence of the Senate sponsor, 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 HB 2725 do not pass but that CSHB 2725 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 CSHB 2725. 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.

The chair laid out HB 1573 and recognized Senator Hinojosa, in the absence of the Senate sponsor, 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 HB 1573 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 HB 1573. 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.

At 4:30 PM Senator Huffman assumed the chair.

The chair laid out HB 1770 and recognized the Senate sponsor, 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 Whitmire moved that HB 1770 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 HB 1770. 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.

The chair laid out HB 1908 and recognized the Senate sponsor, 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 Whitmire moved that HB 1908 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 HB 1908. 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.

The chair laid out SB 1713 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 Whitmire moved that SB 1713 do not pass but that CSSB 1713 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 1713. 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.

The chair laid out HB 200 and recognized the Senate sponsor, 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 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 a committee substitute; without objection, it was so ordered. Senator Ellis then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Whitmire moved that HB 200 do not pass but that CSHB 200 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Patrick submitted a motion in writing requesting unanimous consent to be shown voting aye on CSHB 200. 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.

The chair laid out HB 988 and recognized the Senate sponsor, 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 Whitmire moved that HB 988 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 Whitmire moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair motioned that HB 1344 be considered in lieu of SB 757; without objection, it was so ordered. The chair laid out HB 1344 and recognized Senator Hinojosa, in the absence of the Senate sponsor, 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 HB 1344 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 HB 1344. 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.

The chair laid out as a matter of pending business SB 1843 and recognized the author, Senator Carona, to explain the bill.

Senator Carona sent up a committee substitute; the chair recognized Senator Carona 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.

Senator Carona moved that SB 1843 do not pass but that CSSB 1843 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Patrick submitted a

motion in writing requesting unanimous consent to be shown voting aye on CSSB 1843. 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 as a matter of pending business SB 1658 and recognized the author, Senator Hinojosa, to explain the bill.

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 1658 do not pass but that CSSB 1658 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Patrick submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 1658. The motion carried with a record vote of 6 ayes, 1 nay, 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.

Senator John Whitmire, Chair

Michaela Bernacchio, Clerk