

## MINUTES

### SENATE COMMITTEE ON CRIMINAL JUSTICE

Tuesday, March 12, 2013  
1:30 PM or upon adjournment  
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, March 12, 2013, 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 Juan Hinojosa  
Senator Dan Patrick  
Senator José Rodríguez  
Senator Charles Schwertner

#### **MEMBERS ABSENT:**

Senator John Carona

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The chair called the meeting to order at 1:33 PM. There being a quorum present at 2:02 P.M., the following business was transacted:

The chair laid out SB 270 and recognized the author, Senator Seliger, to explain the bill.

Witnesses 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 270 be left pending; without objection, it was so ordered.

At 1:37 PM Senator Schwertner assumed the chair.

The chair laid out SB 369 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 Schwertner moved that SB 369 be left pending; without objection, it was so ordered.

At 1:57 PM Senator Whitmire resumed the chair.

The chair laid out SB 222 and recognized the author, 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 SB 222 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 Patrick submitted a motion in writing requesting to be shown voting aye on SB 222.

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, Senator Whitmire brought up SB 369.

Senator Schwertner moved that SB 369 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 Patrick submitted a motion in writing requesting to be shown voting aye on SB 369.

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

At 2:04 PM Senator Huffman assumed the chair.

The chair laid out SB 825 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 Whitmire moved that SB 825 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 Patrick submitted a motion in writing requesting to be shown voting aye on SB 825.

At 2:26 PM Senator Whitmire resumed the chair.

The chair laid out SB 231 and recognized Senator Schwertner, in the absence of the author, to explain the bill.

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

Witnesses 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 Schwertner moved that SB 231 do not pass but that CSSB 231 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 Patrick submitted a motion in writing requesting to be shown voting aye on CSSB 231.

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

The chair laid out SB 592 and recognized the author, Senator Ellis, to explain the bill.

Senator Rodríguez 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 Rodríguez 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 CSSB 592 be left pending; without objection, it was so ordered.

At 2:53 PM Senator Huffman assumed the chair.

The chair laid out SB 344 and recognized the author, Senator Whitmire, to explain the bill.

Senator Whitmire sent up Committee Amendment 1 and moved adoption; without objection, the amendment was adopted.

Senator Whitmire requested unanimous consent to incorporate the amendment 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.

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 344 do not pass but that CSSB 344 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 4 ayes, 1 nay, 0 present not voting, and 2 absent.

At 3:00 PM Senator Whitmire resumed the chair.

The chair laid out SB 358 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.

Witnesses 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 358 do not pass but that CSSB 358 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. Senators Patrick and Rodríguez submitted motions in writing requesting to be shown voting aye on CSSB 358.

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 12 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 Huffman moved that SB 12 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 Patrick submitted a motion in writing requesting to be shown voting aye on SB 12.

The chair laid out SB 107 and recognized Senator Rodríguez, 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 Rodríguez moved that SB 107 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 Patrick submitted a motion in writing requesting to be shown voting aye on SB 107.

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

The chair laid out SB 252 and recognized Senator Rodríguez, 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 Rodríguez moved that SB 252 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 Patrick submitted a motion in writing requesting to be shown voting aye on SB 252.

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

At 3:58 PM Senator Hinojosa assumed the chair.

The chair laid out SB 462 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 462 do not pass but that CSSB 462 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 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 484 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 Whitmire moved that SB 484 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 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 511 and recognized the author, Senator Whitmire, to explain the bill.

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 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.

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 511 do not pass but that CSSB 511 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 Whitmire moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

At 4:30 PM Senator Whitmire resumed the chair.

The chair laid out SB 249 and recognized the author, Senator Patrick, to explain the bill.

Witnesses 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 Patrick moved that SB 249 be left pending; without objection, it was so ordered.

The chair laid out SB 187 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 187 do not pass but that CSSB 187 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 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 188 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 Huffman moved that SB 188 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 Patrick submitted a motion in writing requesting to be shown voting aye on SB 188.

The chair laid out SB 262 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 262 be left pending; without objection, it was so ordered.

As a matter of pending business, Senator Whitmire laid out SB 270.

Senator Hinojosa moved that SB 270 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 Patrick submitted a motion in writing requesting to be shown voting aye on SB 270.

**Senate Committee on Criminal Justice**

Minutes

Tuesday, March 12, 2013

Page 9

Senator Hinojosa 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 5:28 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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Kathryn Hendrix , Clerk