

MINUTES

SENATE COMMITTEE ON CRIMINAL JUSTICE

Tuesday, March 19, 2013

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 19, 2013, in the Capitol Extension, Room E1.016, at Austin, Texas.

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

Senator Joan Huffman called the meeting to order at 1:30 PM. The following business was transacted:

The chair laid out SB 701 and recognized the author, Senator Hegar, to explain the bill.

Senator Schwertner sent up a committee substitute; the chair recognized Senator Hegar to explain the difference between the committee substitute and the senate bill as filed. Senator Huffman moved that the committee substitute be left pending to await a quorum; 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 CSSB 701 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 821 and recognized the author, Senator Schwertner, 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 Huffman moved that the committee substitute be left pending to await a quorum; 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 CSSB 821 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 345 and recognized Senator Schwertner, in the absence of the author, 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 Huffman moved that SB 345 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 367 and recognized Senator Schwertner, 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 Huffman moved that SB 367 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 742 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 Huffman moved that the committee substitute be left pending to await a quorum; 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 742 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 555 and recognized Senator Schwertner, 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 Huffman moved that SB 555 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 767 and recognized Senator Schwertner, 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 Huffman moved that SB 767 be left pending; without objection, it was so ordered.

At 2:11 PM Senator Huffman moved that the Committee stand at ease subject to the call of the chair. Without objection, it was so ordered.

At 2:24 PM Senator Huffman reconvened the meeting.

The chair laid out SB 1238 and recognized the author, Senator Hinojosa, to explain the bill.

At 2:27 PM Senator Whitmire assumed the chair.

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 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.

There being a quorum present at 2:32 P.M. the following business was transacted:

Senator Huffman moved that SB 1238 do not pass but that CSSB 1238 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, 0 nays, 0 present not voting, and 2 absent. Senator Rodríguez submitted a motion in writing requesting to be shown voting aye on CSSB 1238.

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 275 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 275 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Rodríguez submitted a motion in writing requesting to be shown voting aye on SB 275.

The chair laid out SB 1185 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 1185 do not pass but that CSSB 1185 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, 0 nays, 0 present not voting, and 2 absent. Senator Rodríguez submitted a motion in writing requesting to be shown voting aye on CSSB 1185.

The chair laid out SB 354 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 Hinojosa moved that SB 354 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Rodríguez submitted a motion in writing requesting to be shown voting aye on SB 354.

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

At 3:20 PM Senator Huffman assumed the chair.

The chair laid out SB 213, the sunset bill, and recognized the author, Senator Whitmire, to explain the bill.

At 3:23 PM Senator Whitmire resumed the chair.

Senator Huffman was recognized to discuss amendment one and amendment two to SB 213, sunset bill.

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

Senator Huffman sent up Committee Amendment 2 and moved adoption; without objection, the amendment was adopted.

At 3:26 PM Senator Huffman assumed the chair.

Senator Hinojosa was recognized to discuss amendment three to SB 213, sunset bill, which will be offered as a floor amendment to SB 213. Senator Hinojosa withdrew amendment three.

Senator Hinojosa was recognized to discuss amendment four to SB 213, sunset bill, which will be offered as a floor amendment to SB 213. Senator Hinojosa withdrew amendment four.

Senator Hinojosa was recognized to discuss amendment five to SB 213, sunset bill, which will be offered as a floor amendment to SB 213. Senator Hinojosa withdrew amendment five.

Senator Hinojosa was recognized to discuss amendment six to SB 213, sunset bill, which will be offered as a floor amendment to SB 213. Senator Hinojosa withdrew amendment six.

Senator Hinojosa was recognized to discuss amendment seven to SB 213, sunset bill, which will be offered as a floor amendment to SB 213. Senator Hinojosa withdrew amendment seven.

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 amendments one and two into the bill to create 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 Whitmire moved that SB 213 do not pass but that CSSB 213 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, 0 nays, 0 present not voting, and 2 absent. Senator Rodríguez submitted a motion in writing requesting to be shown voting aye on CSSB 213.

At 3:42 PM Senator Whitmire resumed the chair.

As a matter of pending business, the chair laid out SB 701.

Senator Huffman moved that SB 701 do not pass but that CSSB 701 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, 0 nays, 0 present not voting, and 2 absent. Senator Rodríguez submitted a motion in writing requesting to be shown voting aye on CSSB 701.

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 821.

Senator Schwertner moved that SB 821 do not pass but that CSSB 821 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, 0 nays, 0 present not voting, and 2 absent. Senator Rodríguez submitted a motion in writing requesting to be shown voting aye on CSSB 821.

Senator Schwertner 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 345.

Senator Hinojosa moved that SB 345 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Rodríguez submitted a motion in writing requesting to be shown voting aye on SB 345.

Senator Schwertner 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 367.

Senator Hinojosa moved that SB 367 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Rodríguez submitted a motion in writing requesting to be shown voting aye on SB 367.

Senator Schwertner 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 742.

Senator Huffman moved that SB 742 do not pass but that CSSB 742 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, 0 nays, 0 present not voting, and 2 absent. Senator Rodríguez submitted a motion in writing requesting to be shown voting aye on CSSB 742.

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 555.

Senator Huffman moved that SB 555 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Rodríguez submitted a motion in writing requesting to be shown voting aye on SB 555.

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 262 and recognized the author, Senator Huffman, to explain the bill.

Senator Huffman moved that SB 262 be reported favorably 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. Senator Rodríguez submitted a motion in writing requesting to be shown voting nay on SB 262.

The chair laid out as a matter of pending business SB 249 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 Whitmire 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.

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Senator Schwertner moved that SB 249 do not pass but that CSSB 249 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, 0 nays, 0 present not voting, and 2 absent. Senator Rodríguez submitted a motion in writing requesting to be shown voting aye on CSSB 249.

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

Senator Huffman moved adoption of the committee rules. There being no objection, it was so ordered.

There being no further business, at 3:48 PM 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

Kathryn Hendrix , Clerk

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