

BILL ANALYSIS

H.B. 362
By: White, James
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Department of Criminal Justice is required under current state law to notify the clerk of the court in which a defendant was convicted when the defendant is released on parole or to mandatory supervision. However, interested parties contend that the law does not adequately provide for the notification of victims of the defendant if the defendant commits repeat offenses once released. H.B. 362 seeks to remedy this situation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 362 amends the Code of Criminal Procedure to require the attorney representing the state in a criminal proceeding, not later than the 10th day after the date that a defendant is indicted for one of certain offenses for which a judge is prohibited from ordering community supervision or an offense for which the judgment contains an affirmative finding regarding the use or exhibition of a deadly weapon, to notify an officer designated by the Texas Department of Criminal Justice (TDCJ) of the offense charged in the indictment if the defendant, in connection with a previous conviction for such an offense, received a sentence that included imprisonment at a facility operated by or under contract with TDCJ and was subsequently released from the imprisonment, including a release on parole or to mandatory supervision and a release following discharge of the defendant's sentence. The bill restricts this requirement to a criminal case in which the indictment is presented to the court on or after December 1, 2015.

H.B. 362 amends the Government Code to require TDCJ, upon receipt of such notification, to make a reasonable effort, to the extent requested, to provide notice of the offense charged in the indictment to each victim, guardian of a victim, or close relative of a deceased victim of an applicable offense for which the defendant was previously imprisoned at a facility operated by or under contract with TDCJ and subsequently released. The bill requires TDCJ to adopt a procedure by which a victim, guardian of a victim, or close relative of a deceased victim may request to receive such notice and may inform TDCJ of the person's address for purposes of providing the notice. The bill prohibits the Texas Board of Criminal Justice and TDCJ, except as necessary to provide the required victim notification, from disclosing to any person the name or address of a person entitled to such notice unless the person approves the disclosure or a court determines that there is good cause for the disclosure and orders the information's disclosure. The bill requires TDCJ, not later than November 1, 2015, to adopt rules necessary to implement

the bill's victim notification provisions.

EFFECTIVE DATE

September 1, 2015.