

## **BILL ANALYSIS**

H.B. 104  
By: White  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that current law does not adequately provide for the notification of crime victims when a defendant released from imprisonment commits additional offenses. H.B. 104 seeks to remedy this situation by requiring such notification in certain cases.

### **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. 104 amends the Code of Criminal Procedure to require an attorney representing the state in a criminal proceeding, not later than the 10th day after the date a defendant is indicted for an offense that makes the defendant ineligible for judge-ordered community supervision or an offense for which the judgment contains an affirmative finding regarding the use or exhibition of a deadly weapon or firearm, 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, to mandatory supervision, or following discharge of the defendant's sentence. This requirement applies only to a criminal case in which the indictment is presented to the court on or after December 1, 2017.

H.B. 104 amends the Government Code to require TDCJ, on receipt of such notification and to the extent requested, to make a reasonable effort 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 such an 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 the notice and inform TDCJ of the person's address for purposes of providing the notice. The bill prohibits the Texas Board of Criminal Justice or 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 board or TDCJ to disclose the information. The bill requires TDCJ, not later than November 1, 2017, to adopt rules necessary to implement this victim notification system.

**EFFECTIVE DATE**

September 1, 2017.