

By: White

H.B. No. 104

A BILL TO BE ENTITLED

AN ACT

relating to notification provided to certain victims of criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.023 to read as follows:

Art. 2.023. NOTIFICATION TO TEXAS DEPARTMENT OF CRIMINAL JUSTICE. (a) This article applies only to a defendant who, in connection with a previous conviction for an offense listed in Article 42A.054(a) or for which the judgment contains an affirmative finding under Article 42A.054(c) or (d):

(1) received a sentence that included imprisonment at a facility operated by or under contract with the Texas Department of Criminal Justice; and

(2) was subsequently released from the imprisonment, including a release on parole, to mandatory supervision, or following discharge of the defendant's sentence.

(b) Not later than the 10th day after the date that a defendant described by Subsection (a) is indicted for an offense listed in Article 42A.054(a) or for which the judgment contains an affirmative finding under Article 42A.054(c) or (d), the attorney representing the state shall notify an officer designated by the Texas Department of Criminal Justice of the offense charged in the indictment.

1 SECTION 2. Chapter 493, Government Code, is amended by  
2 adding Section 493.0251 to read as follows:

3 Sec. 493.0251. VICTIM NOTIFICATION OF SUBSEQUENT FELONY.

4 (a) In this section, "victim," "guardian of a victim," and "close  
5 relative of a deceased victim" have the meanings assigned by  
6 Section 508.117.

7 (b) If the department receives a notification under Article  
8 2.023, Code of Criminal Procedure, regarding the indictment of a  
9 defendant described by that article, the department shall, to the  
10 extent requested under Subsection (c), make a reasonable effort to  
11 provide notice of the offense charged in the indictment to each  
12 victim, guardian of a victim, or close relative of a deceased victim  
13 of an offense described by Article 2.023(a), Code of Criminal  
14 Procedure, for which the defendant was previously imprisoned at a  
15 facility operated by or under contract with the department and  
16 subsequently released.

17 (c) The department shall adopt a procedure by which a  
18 victim, guardian of a victim, or close relative of a deceased victim  
19 may:

20 (1) request to receive notice under this section; and  
21 (2) inform the department of the person's address for  
22 purposes of providing the notice.

23 (d) Except as necessary to comply with this section, the  
24 board or the department may not disclose to any person the name or  
25 address of a person entitled to notice under this section unless:

26 (1) the person approves the disclosure; or  
27 (2) a court determines that there is good cause for the

1 disclosure and orders the board or the department to disclose the  
2 information.

3 SECTION 3. Not later than November 1, 2017, the Texas  
4 Department of Criminal Justice shall adopt rules necessary to  
5 implement Section 493.0251, Government Code, as added by this Act.

6 SECTION 4. Article 2.023, Code of Criminal Procedure, as  
7 added by this Act, applies only to a criminal case in which the  
8 indictment is presented to the court on or after December 1, 2017.  
9 A criminal case in which the indictment is presented to the court  
10 before December 1, 2017, is governed by the law in effect on the  
11 date the indictment is presented, and the former law is continued in  
12 effect for that purpose.

13 SECTION 5. This Act takes effect September 1, 2017.