

1-1 By: White (Senate Sponsor - Nichols) H.B. No. 104  
 1-2 (In the Senate - Received from the House May 1, 2017;  
 1-3 May 8, 2017, read first time and referred to Committee on Criminal  
 1-4 Justice; May 19, 2017, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 0; May 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman			X	
1-9 Birdwell			X	
1-10 Burton	X			
1-11 Creighton	X			
1-12 Garcia	X			
1-13 Hughes	X			
1-14 Menéndez	X			
1-15 Perry	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to notification provided to certain victims of criminal  
 1-20 offenses.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 2, Code of Criminal Procedure, is  
 1-23 amended by adding Article 2.023 to read as follows:

1-24 Art. 2.023. NOTIFICATION TO TEXAS DEPARTMENT OF CRIMINAL  
 1-25 JUSTICE. (a) This article applies only to a defendant who, in  
 1-26 connection with a previous conviction for an offense listed in  
 1-27 Article 42A.054(a) or for which the judgment contains an  
 1-28 affirmative finding under Article 42A.054(c) or (d):

1-29 (1) received a sentence that included imprisonment at  
 1-30 a facility operated by or under contract with the Texas Department  
 1-31 of Criminal Justice; and

1-32 (2) was subsequently released from the imprisonment,  
 1-33 including a release on parole, to mandatory supervision, or  
 1-34 following discharge of the defendant's sentence.

1-35 (b) Not later than the 10th day after the date that a  
 1-36 defendant described by Subsection (a) is indicted for an offense  
 1-37 listed in Article 42A.054(a) or for which the judgment contains an  
 1-38 affirmative finding under Article 42A.054(c) or (d), the attorney  
 1-39 representing the state shall notify an officer designated by the  
 1-40 Texas Department of Criminal Justice of the offense charged in the  
 1-41 indictment.

1-42 SECTION 2. Chapter 493, Government Code, is amended by  
 1-43 adding Section 493.0251 to read as follows:

1-44 Sec. 493.0251. VICTIM NOTIFICATION OF SUBSEQUENT FELONY.  
 1-45 (a) In this section, "victim," "guardian of a victim," and "close  
 1-46 relative of a deceased victim" have the meanings assigned by  
 1-47 Section 508.117.

1-48 (b) If the department receives a notification under Article  
 1-49 2.023, Code of Criminal Procedure, regarding the indictment of a  
 1-50 defendant described by that article, the department shall, to the  
 1-51 extent requested under Subsection (c), make a reasonable effort to  
 1-52 provide notice of the offense charged in the indictment to each  
 1-53 victim, guardian of a victim, or close relative of a deceased victim  
 1-54 of an offense described by Article 2.023(a), Code of Criminal  
 1-55 Procedure, for which the defendant was previously imprisoned at a  
 1-56 facility operated by or under contract with the department and  
 1-57 subsequently released.

1-58 (c) The department shall adopt a procedure by which a  
 1-59 victim, guardian of a victim, or close relative of a deceased victim  
 1-60 may:

1-61 (1) request to receive notice under this section; and

2-1                   (2) inform the department of the person's address for  
2-2 purposes of providing the notice.

2-3                   (d) Except as necessary to comply with this section, the  
2-4 board or the department may not disclose to any person the name or  
2-5 address of a person entitled to notice under this section unless:

2-6                   (1) the person approves the disclosure; or

2-7                   (2) a court determines that there is good cause for the  
2-8 disclosure and orders the board or the department to disclose the  
2-9 information.

2-10                  SECTION 3. Not later than November 1, 2017, the Texas  
2-11 Department of Criminal Justice shall adopt rules necessary to  
2-12 implement Section 493.0251, Government Code, as added by this Act.

2-13                  SECTION 4. Article 2.023, Code of Criminal Procedure, as  
2-14 added by this Act, applies only to a criminal case in which the  
2-15 indictment is presented to the court on or after December 1, 2017.  
2-16 A criminal case in which the indictment is presented to the court  
2-17 before December 1, 2017, is governed by the law in effect on the  
2-18 date the indictment is presented, and the former law is continued in  
2-19 effect for that purpose.

2-20                  SECTION 5. This Act takes effect September 1, 2017.

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