

## MINUTES

### SENATE COMMITTEE ON CRIMINAL JUSTICE

Tuesday, April 4, 2017

1:30 PM or upon adjournment

Capitol Extension, Room E1.016

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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, April 4, 2017, in the Capitol Extension, Room E1.016, at Austin, Texas.

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**MEMBERS PRESENT:**

Senator John Whitmire, Chair  
Senator Joan Huffman, Vice Chair  
Senator Brian Birdwell  
Senator Konni Burton  
Senator Brandon Creighton  
Senator Sylvia Garcia  
Senator Bryan Hughes  
Senator José Menéndez  
Senator Charles Perry

**MEMBERS ABSENT:**

None

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The chair called the meeting to order at 4:51 PM. There being a quorum present, the following business was transacted:

At 4:53 PM Senator Huffman assumed the chair.

The chair laid out SB 1338 and recognized the author, Senator Whitmire, to explain the bill.

Senator Whitmire sent up a committee substitute.

Senator Whitmire sent up Committee Amendment 1 to the substitute.

Senator Whitmire requested unanimous consent to incorporate the amendment into a committee substitute; without objection, it was so ordered.

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.

Senator Whitmire moved that SB 1338 be left pending; without objection, it was so ordered.

At 6:03 PM Senator Whitmire resumed the chair.

The chair laid out SB 1253 and recognized the author, Senator West, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator West to explain the difference between the committee substitute and the senate bill as filed. Senator Perry 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 Perry moved that SB 1253 do not pass but that CSSB 1253 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 1 nay, 0 present not voting, and 2 absent. Senator Hughes and Senator Menéndez were absent.

The following members arrived after the roll was called:  
Senator Bryan Hughes

The chair laid out SB 677 and recognized the author, Senator Miles, 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 Burton moved that SB 677 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Menéndez was absent.

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

The chair laid out SB 1196 and recognized the author, Senator Kolkhorst, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Kolkhorst to explain the difference between the committee substitute and the senate bill as filed. Senator Perry 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 Perry moved that SB 1196 do not pass but that CSSB 1196 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Menéndez was absent.

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

The chair laid out SB 707 and recognized the author, Senator Birdwell, to explain the bill.

At 7:11 PM Senator Huffman assumed the chair.

At 7:15 PM Senator Whitmire resumed the chair.

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 Perry moved that SB 707 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Menéndez was absent.

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

The chair laid out SB 1304 and recognized the author, Senator Perry, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Perry to explain the difference between the committee substitute and the senate bill as filed. Senator Birdwell 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.

Senator Birdwell moved that SB 1304 do not pass but that CSSB 1304 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Menéndez was absent.

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

At 7:26 PM Senator Huffman assumed the chair.

The chair laid out SB 1857 and recognized the author, Senator Whitmire, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Whitmire 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.

Senator Whitmire moved that SB 1857 do not pass but that CSSB 1857 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Menéndez was absent.

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

At 7:30 PM Senator Whitmire resumed the chair.

The chair laid out SB 1203 and recognized the author, Senator Perry, 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 1203 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Menéndez was absent.

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

The chair laid out SB 1232 and recognized the author, Senator Huffman, to explain the bill.

Senator Whitmire 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 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.

Senator Creighton moved that SB 1232 do not pass but that CSSB 1232 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Menéndez was absent.

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

The chair laid out SB 1299 and recognized the author, Senator Huffman, 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 Perry moved that SB 1299 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Menéndez was absent.

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

The chair laid out SB 1728 and recognized the author, Senator Birdwell, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Birdwell 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.

Senator Perry moved that SB 1728 do not pass but that CSSB 1728 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Menéndez was absent.

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

The chair laid out SB 1823 and recognized the author, Senator Burton, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Burton 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.

Senator Creighton moved that SB 1823 do not pass but that CSSB 1823 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Menéndez was absent.

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

There was no action taken on SB 1487 or SJR 50.

There being no further business, at 8:14 PM Senator Whitmire moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

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Senator John Whitmire, Chair

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Terra Tucker, Clerk