

## MINUTES

### SENATE COMMITTEE ON CRIMINAL JUSTICE

Tuesday, April 18, 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 18, 2017, in the Capitol Extension, Room E1.016, at Austin, Texas.

On April 18, the Chair suspended Senate Rules 11.10 and 11.18 so that the following bills could be considered at the April 18 hearing: SB 772 and SB 1290.

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#### **MEMBERS PRESENT:**

Senator John Whitmire, Chair  
Senator Brian Birdwell  
Senator Konni Burton  
Senator Brandon Creighton  
Senator Sylvia Garcia  
Senator José Menéndez  
Senator Charles Perry

#### **MEMBERS ABSENT:**

Senator Joan Huffman, Vice Chair  
Senator Bryan Hughes

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The chair called the meeting to order at 4:15 PM. There being a quorum present, the following business was transacted:

The following members arrived after the roll was called:  
Senator Brian Birdwell

The chair laid out SB 772 and recognized the author, Senator Uresti, to explain the bill.

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 Menéndez moved that SB 772 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Huffman and Senator Hughes were absent.

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

The chair laid out SB 966 and recognized the author, Senator Watson, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Watson 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 Perry moved that SB 966 do not pass but that CSSB 966 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, 0 nays, 0 present not voting, and 3 absent. Senator Huffman, Senator Hughes, and Senator Birdwell were 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 1192 and recognized the author, Senator Buckingham, to explain the bill.

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 1192 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Huffman and Senator Hughes were absent.

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

The chair laid out SB 1477 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 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 1477 do not pass but that CSSB 1477 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Huffman and Senator Hughes were absent.

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

The chair laid out SB 1290 and recognized the author, Senator Creighton, 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 1290 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Huffman and Senator Hughes were absent.

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

At 4:40 PM Senator Perry assumed the chair.

The chair laid out SB 1399 and recognized the author, Senator Whitmire, to explain the bill.

Senator Menéndez 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 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 Whitmire moved that SB 1399 do not pass but that CSSB 1399 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Huffman and Senator Hughes were absent.

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

At 4:44 PM Senator Whitmire resumed the chair.

The chair laid out SB 524 and recognized the author, Senator Birdwell, to explain the bill.

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 524 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nays, 1 present not voting, and 2 absent. Senator Huffman and Senator Hughes were absent, Senator Burton was present but not voting.

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 as a matter of pending business CSSB 1913 and recognized the author, Senator Zaffirini, to explain the bill.

The chair moved to reconsider the vote by which CSSB 1913 was adopted at a previous hearing; without objection, it was so ordered.

The chair moved to withdraw the committee substitute considered at the April 11 hearing; without objection, it was so ordered.

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

Senator Perry sent up Committee Amendment 1 and moved adoption; without objection, the amendment was adopted.

Senator Perry requested unanimous consent to incorporate the amendment into a committee substitute; without objection, it was so ordered. Senator Whitmire then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Burton moved that SB 1913 do not pass but that CSSB 1913 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, 0 nays, 0 present not voting, and 3 absent.

The chair laid out as a matter of pending business CSSB 1548 and recognized the author, Senator Menéndez, to explain the bill.

Senator Menéndez moved that SB 1548 do not pass but that CSSB 1548 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Huffman and Senator Hughes were absent.

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

At 5:09 PM Senator Perry assumed the chair.

The chair laid out as a matter of pending business SB 1338 and recognized the author, Senator Whitmire, to explain the bill.

The chair moved to reconsider the vote by which CSSB 1338 was adopted at a previous hearing; without objection, it was so ordered.

Senator Whitmire moved to withdraw the committee substitute considered at the April 11 hearing; without objection, it was so ordered.

Senator Whitmire sent up a new 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.

Senator Whitmire moved that SB 1338 do not pass but that CSSB 1338 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Huffman and Senator Hughes were absent.

At 5:13 PM Senator Whitmire resumed the chair.

The chair laid out as a matter of pending business CSSB 1584 and recognized the author, Senator Garcia, to explain the bill.

Senator Garcia moved that SB 1584 do not pass but that CSSB 1584 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Huffman and Senator Hughes were absent.

There being no further business, at 5:18 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