

**MINUTES**

**SENATE COMMITTEE ON CRIMINAL JUSTICE**

Tuesday, May 2, 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, May 2, 2017, in the Capitol Extension, Room E1.016, at Austin, Texas.

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**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Senator Joan Huffman, Vice Chair

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The chair called the meeting to order at 3:04 PM. There being a quorum present at 3:21 PM, the following business was transacted:

The posting rule, Senate Rule 11.10 and 11.18, was suspended to hear the following bill(s): SB 1640 and SB 1793.

The following members arrived after the roll was called: Senators Burton, Creighton, and Hughes.

The chair laid out SB 1649 and recognized the author, Senator Watson, to explain the bill.

**Senate Committee on Criminal Justice**

Minutes

Tuesday, May 2, 2017

Page 2

Senator Perry 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 Perry 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 1649 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 630 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 Whitmire moved that SB 630 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 631 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 Whitmire moved that SB 631 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 1793 and recognized the author, Senator Menéndez, to explain the bill.

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

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 1793 do not pass but that CSSB 1793 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 4 absent. Senators Huffman, Burton, Creighton, and 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 as a matter of pending business SB 1649. Senator Perry moved that SB 1649 do not pass but that CSSB 1649 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 4 absent. Senators Huffman, Burton, Creighton, and Hughes 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 as a matter of pending business SB 630. Senator Perry moved that SB 630 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, 0 present not voting, and 3 absent. Senators Huffman, Burton, and Creighton 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 as a matter of pending business SB 631. Senator Perry moved that SB 631 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, 0 present not voting, and 3 absent. Senators Huffman, Burton, and Creighton 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 1314 and recognized the author, Senator Rodríguez, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Rodriguez 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 1314 do not pass but that CSSB 1314 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. Senators Huffman, Burton, and Creighton 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 1631 and recognized the author, Senator Rodríguez, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Rodriguez 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 Menéndez moved that SB 1631 do not pass but that CSSB 1631 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. Senators Huffman, Creighton, and Hughes were absent.

The chair laid out SB 1185 and recognized the author, Senator West, 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 Hughes moved that SB 1185 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. Senators Huffman and Creighton 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 1937 and recognized the author, Senator Hughes, 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 Garcia moved that SB 1937 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, 0 present not voting, and 3 absent. Senators Huffman, Creighton, and Perry were absent.

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

The chair laid out SB 1790 and recognized Senator Hughes, in the absence of the author, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Hughes 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 Garcia moved that SB 1790 do not pass but that CSSB 1790 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. Senators Huffman, Creighton, and Perry were absent.

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

The chair laid out SB 1822 and recognized the author, Senator Burton, 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 Whitmire moved that SB 1822 be left pending; without objection, it was so ordered.

The chair laid out SB 1322 and recognized Senator Menéndez, in the absence of the author, to explain the bill.

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

At 4:34 PM Senator Menéndez assumed the chair.

The chair moved that the public testimony be closed; without objection, it was so ordered.

The chair moved that CSSB 1322 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 1849 and recognized the author, Senator Whitmire, to explain the bill.

Senator Garcia 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 Garcia 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.

The chair moved that SB 1849 be left pending; without objection, it was so ordered.

At 4:45 PM Senator Whitmire resumed the chair.

Upon arrival of a quorum, the chair laid out as a matter of pending business CSSB 1322. Senator Menéndez moved that SB 1322 do not pass but that CSSB 1322 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. Senators Huffman and Burton were absent.

Upon arrival of a quorum, the chair laid out as a matter of pending business CSSB 1849. Senator Menéndez moved that SB 1849 do not pass but that CSSB 1849 be reported back to the Senate

**Senate Committee on Criminal Justice**

Minutes

Tuesday, May 2, 2017

Page 7

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. Senators Huffman and Burton were absent.

There being no further business, at 4:57 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