

## MINUTES

### SENATE COMMITTEE ON CRIMINAL JUSTICE

Wednesday, May 15, 2019

8:30 AM

Betty King Committee Room

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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 Wednesday, May 15, 2019, in the Betty King Committee Room at Austin, Texas.

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#### **MEMBERS PRESENT:**

Senator John Whitmire, Chair  
Senator Joan Huffman, Vice Chair  
Senator Dawn Buckingham  
Senator Peter Flores  
Senator Borris Miles  
Senator Charles Perry

#### **MEMBERS ABSENT:**

Senator Bryan Hughes

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The chair called the meeting to order at 8:33 AM. There being a quorum present, the following business was transacted:

The chair laid out HB 1590 and recognized the Senate sponsor, 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 house bill as engrossed. 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 HB 1590 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Huffman moved that HB 1590 do not pass but that CSHB 1590 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 1 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 HB 881 and recognized the Senate sponsor, Senator Campbell, 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 Whitmire moved that HB 881 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 881 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 1 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 HB 2481 and recognized the Senate sponsor, 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 Whitmire moved that HB 2481 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Huffman moved that HB 2481 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 1 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 HB 1343 and recognized the Senate sponsor, Senator Paxton, 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 Whitmire moved that HB 1343 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Huffman moved that HB 1343 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 1 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 HB 1099 and recognized the Senate sponsor, Senator Juan Hinojosa, 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 HB 1099 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 1099 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 1 nay, 0 present not voting, and 1 absent.

The chair laid out HB 1661 and recognized the Senate sponsor, Senator Juan Hinojosa, 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 Whitmire moved that HB 1661 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 1661 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 1 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 HB 155 and recognized the Senate sponsor, Senator Juan Hinojosa, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Juan Hinojosa to explain the difference between the committee substitute and the house bill as engrossed. 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 HB 155 be left pending; without objection, it was so ordered.

The chair laid out HB 918 and recognized the Senate sponsor, Senator Nathan Johnson, 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 HB 918 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 918 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 1 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 HB 1355 and recognized the Senate sponsor, Senator Nathan Johnson, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Nathan Johnson to explain the difference between the committee substitute and the house bill as engrossed. 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 HB 1355 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 1355 do not pass but that CSHB 1355 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 1 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 HB 3636 and recognized the Senate sponsor, 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 house bill as engrossed. 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 HB 3636 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 3636 do not pass but that CSHB 3636 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 1 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 HB 4173 and recognized the Senate sponsor, Senator Kolkhorst, 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 Whitmire moved that HB 4173 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 4173 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 1 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 HB 3529 and recognized the Senate sponsor, Senator Menéndez, 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 HB 3529 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 3529 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 1 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 HB 2584 and recognized the Senate sponsor, Senator Menéndez, 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 house bill as engrossed. 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 HB 2584 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 2584 do not pass but that CSHB 2584 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 1 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 HB 1789 and recognized the Senate sponsor, Senator Fallon, 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 Whitmire moved that HB 1789 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Huffman moved that HB 1789 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 1 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 HB 4195 and recognized the Senate sponsor, Senator Fallon, 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 Whitmire moved that HB 4195 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 4195 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 1 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 HB 51 and recognized the Senate sponsor, Senator Zaffirini, 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 Whitmire moved that HB 51 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 51 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 1 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 HB 601 and recognized the Senate sponsor, Senator Zaffirini, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Zaffirini to explain the difference between the committee substitute and the house bill as engrossed. Senator Whitmire moved adoption of the committee substitute; without objection, it was so ordered.

Senator Whitmire moved that HB 601 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Huffman moved that HB 601 do not pass but that CSHB 601 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 2 absent. Senator Flores and Senator 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 HB 616 and recognized Senator Huffman, in the absence of the Senate sponsor Senator Nelson, 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 house bill as engrossed. 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 HB 616 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Huffman moved that HB 616 do not pass but that CSHB 616 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 1 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 as a matter of pending business HB 2894 and recognized the Senate sponsor, Senator Buckingham, to explain the bill.

Senator Whitmire moved that HB 2894 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 2894 be reported favorably 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 2 absent. Senator Hughes and Senator Flores 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 HB 452 and recognized the Senate sponsor, 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 HB 452 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Huffman moved that HB 452 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 1 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 HB 3116 and recognized Senator Miles, in the absence of the Senate sponsor Senator West, 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 HB 3116 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Huffman moved that HB 3116 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 1 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 HB 3227 and recognized the Senate sponsor, 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 house bill as engrossed. 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 HB 3227 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 3227 do not pass but that CSHB 3227 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 1 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 HB 902 and recognized the Senate sponsor, 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 Whitmire moved that HB 902 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 902 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 1 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 HB 667 and recognized the Senate sponsor, 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 Whitmire moved that HB 667 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Huffman moved that HB 667 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 1 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 HB 3688 and recognized the Senate sponsor, 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 Whitmire moved that HB 3688 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Huffman moved that HB 3688 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 1 absent.

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

At 10:05 AM Senator Huffman assumed the chair.

The chair laid out HB 300 and recognized the Senate sponsor, Senator Whitmire, 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 HB 300 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 300 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 1 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 HB 1191 and recognized the Senate sponsor, Senator Whitmire, 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 HB 1191 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 1191 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 1 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 HB 2229 and recognized the Senate sponsor, Senator Whitmire, 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 HB 2229 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 2229 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 1 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 HB 3648 and recognized the Senate sponsor, 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 house bill as engrossed. Senator Huffman 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 Huffman moved that HB 3648 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Perry moved that HB 3648 do not pass but that CSHB 3648 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 1 absent.

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

At 10:12 AM Senator Whitmire resumed the chair.

There being no further business, at 10:30 AM 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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Amanda Salazar, Clerk