87R6238 JRR-F

By:  Collier H.B. No. 1614

A BILL TO BE ENTITLED

AN ACT

relating to the use of certain technologies to supervise a defendant placed on community supervision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Article 42A.001(3), Code of Criminal Procedure, is amended to read as follows:

(3)  "Electronic monitoring" includes voice tracking systems, position tracking systems, position location systems, biometric tracking systems, mobile applications, and any other electronic or telecommunications system that may be used to assist in the supervision of defendants under this chapter.

SECTION 2.  The heading to Section 76.019, Government Code, is amended to read as follows:

Sec. 76.019.  SUPERVISION OFFICER MEETINGS AND VISITS; ELECTRONIC MONITORING.

SECTION 3.  Section 76.019, Government Code, is amended by adding Subsections (c) and (d) to read as follows:

(c)  A department may use electronic monitoring, as defined by Article 42A.001, Code of Criminal Procedure, to conduct virtual check-ins of the defendant in lieu of in-person check-ins. The electronic monitoring may include the use of a biometric mobile application with remote check-in capability that provides verifiable location data of the defendant at the time of the virtual check-in.

(d)  Electronic messages and videoconferences between a defendant and an officer supervising the defendant must be:

(1)  saved as a permanent electronic record;

(2)  encrypted;

(3)  compliant with the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.); and

(4)  incapable of being deleted or altered by the defendant or the officer.

SECTION 4.  Section 509.011, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  The division may not reduce the amount of funding payable to a department under Subsection (a) based on the department's use of videoconference technology in lieu of in-person meetings or visits with a defendant or use of electronic monitoring of the defendant as provided by Section 76.019.

SECTION 5.  This Act takes effect September 1, 2021.