

By: Collier

H.B. No. 1614

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of certain technologies to supervise a
3 defendant placed on community supervision.

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

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

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

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

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

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

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

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

3 (1) saved as a permanent electronic record;

4 (2) encrypted;

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

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

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

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

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