

## MINUTES

### SENATE COMMITTEE ON CRIMINAL JUSTICE

Tuesday, May 18, 2021

8:30 AM

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 18, 2021, in the Capitol Extension, Room E1.016, at Austin, Texas.

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#### **MEMBERS PRESENT:**

Senator John Whitmire, Chair  
Senator Joan Huffman, Vice Chair  
Senator Paul Bettencourt  
Senator Juan Hinojosa  
Senator Borris Miles

#### **MEMBERS ABSENT:**

Senator Brian Birdwell  
Senator Robert Nichols

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The chair called the meeting to order at 8:31 AM. There being a quorum present, the following business was transacted:

The following members arrived after the roll was called:

Senator Borris Miles

The chair laid out HB 978 and recognized the Senate sponsor, Senator Zaffirini, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Huffman moved that HB 978 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 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 1172 and recognized the Senate sponsor, Senator Zaffirini, to explain the bill.

Senator Huffman 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 Huffman moved the 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 Bettencourt moved that HB 1172 do not pass but that CSHB 1172 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 HB 4220 and recognized the Senate sponsor, Senator Zaffirini, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Bettencourt moved that HB 4220 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 Bettencourt moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 9 and recognized the Senate sponsor, Senator Campbell, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Bettencourt moved that HB 9 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 148 and recognized the Senate sponsor, Senator Alvarado, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Huffman moved that HB 148 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 Bettencourt moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 1694 in lieu of pending business SB 811 and recognized the author, Senator Schwertner, to explain the bill.

Senator Bettencourt moved that HB 1694 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 Bettencourt moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 1156 and recognized the Senate sponsor, Senator Menéndez, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Miles moved that HB 1156 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 Miles moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 1307 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 Huffman moved that HB 1307 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 1126 and recognized the Senate sponsor, Senator Nathan Johnson, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Huffman moved that HB 1126 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 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 1127 and recognized the Senate sponsor, Senator Nathan Johnson, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Hinojosa moved that HB 1127 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 Hinojosa moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 2462 and recognized the Senate sponsor, Senator Paxton, to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Paxton to explain the difference between the committee substitute and the house bill as engrossed. Senator Whitmire moved the 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 the public testimony be closed; without objection, it was so ordered.

Senator Huffman moved that HB 2462 do not pass but that CSHB 2462 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 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 2555 and recognized the Senate sponsor, Senator Paxton, to explain the bill.

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

Witnesses testifying and registering on the bill are shown on the attached list.

Senator Huffman moved that HB 2555 do not pass but that CSHB 2555 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 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 460 and recognized the Senate sponsor, Senator Paxton, 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 Huffman moved that HB 460 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 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 4568 and recognized the Senate sponsor, Senator Hall, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Huffman moved that HB 4568 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 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 187 and recognized 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 187 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 686 and recognized the Senate sponsor, Senator Lucio, Jr., to explain the bill.

Senator Whitmire sent up a committee substitute. The chair recognized Senator Lucio, Jr. to explain the difference between the committee substitute and the house bill as engrossed. Senator Whitmire moved the 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 686 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 275 and recognized the Senate sponsor, Senator Hughes, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that HB 275 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 2366 and recognized the Senate sponsor, Senator Hughes, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that HB 2366 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 385 and recognized the Senate sponsor, Senator Hughes, 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 385 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 2446 and recognized the Senate sponsor, Senator Perry, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that HB 2446 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 3660 in lieu of pending business SB 512 and recognized the Senate sponsor, Senator Perry, to explain the bill.

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

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that HB 3660 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 787 and recognized the Senate sponsor, Senator Miles, 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 787 be left pending to await a quorum; without objection, it was so ordered.



The chair laid out HB 225 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 225 be left pending; without objection, it was so ordered.

At 10:11 AM Senator Hinojosa assumed the chair.

The chair laid out HB 30 and recognized the Senate sponsor, Senator Whitmire, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that HB 30 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 80 and recognized the Senate sponsor, Senator Whitmire, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that HB 80 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 217 and recognized the Senate sponsor, Senator Whitmire, 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 217 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 4544 and recognized the Senate sponsor, Senator Whitmire, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that HB 4544 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 954 and recognized the Senate sponsor, Senator Whitmire, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that HB 954 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 2781 and recognized the Senate sponsor, Senator Whitmire, 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 2781 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 3606 and recognized Senator Whitmire, in the absence of the Senate sponsor, 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 3606 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 3457 and recognized Senator Whitmire, in the absence of the Senate sponsor, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that HB 3457 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 465 and recognized Senator Whitmire, in the absence of the Senate sponsor, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that HB 465 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out HB 2315 and recognized Senator Whitmire, in the absence of the Senate sponsor, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that HB 2315 be left pending to await a quorum; without objection, it was so ordered.

At 10:40 AM Senator Whitmire resumed the chair.

There being no further business, at 10:40 AM Senator Whitmire moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

The posting rule, Senate Rule 11.10 and 11.18, was suspended to hear the following bill(s): HB 2505 and HB 3363

At 3:04 PM Senator Whitmire reconvened the meeting. With Senators Birdwell, Huffman, Whitmire, Hinojosa, Bettencourt, Miles, and Nichols present, the following business was transacted:

The chair laid out HB 3363 and recognized 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 Huffman moved that HB 3363 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 0 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 2505 and recognized the Senate sponsor, Senator Huffman, to explain the bill.

There being no public testimony, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Huffman moved that HB 2505 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 as a matter of pending business HB 30.

Senator Huffman moved that HB 30 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, 1 nay, 0 present not voting, and 0 absent.

The chair laid out as a matter of pending business HB 80.

Senator Huffman moved that HB 80 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 0 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 187.

Senator Hinojosa moved that HB 187 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion failed with a record vote of 3 ayes, 4 nays, 0 present not voting, and 0 absent.

The chair laid out as a matter of pending business HB 217.

Senator Huffman moved that HB 217 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion failed with a record vote of 3 ayes, 4 nays, 0 present not voting, and 0 absent.

The chair laid out as a matter of pending business HB 275.

Senator Hinojosa moved that HB 275 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion failed with a record vote of 3 ayes, 4 nays, 0 present not voting, and 0 absent.

The chair laid out as a matter of pending business HB 385.

Senator Hinojosa moved that HB 385 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 4 ayes, 3 nays, 0 present not voting, and 0 absent.

The chair laid out as a matter of pending business HB 465.

Senator Huffman moved that HB 465 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 0 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 CSHB 686.

Senator Hinojosa moved that HB 686 do not pass but that CSHB 686 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 0 absent.

Senator Hinojosa 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 787.

Senator Miles moved that HB 787 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 0 absent.

Senator Hinojosa 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 954.

Senator Hinojosa moved that HB 954 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 0 absent.

Senator Hinojosa 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 2315.

Senator Huffman moved that HB 2315 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 0 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 2446.

Senator Hinojosa moved that HB 2446 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 0 absent.

Senator Bettencourt 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 2366.

Senator Hinojosa moved that HB 2366 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, 2 nays, 0 present not voting, and 0 absent.

The chair laid out as a matter of pending business HB 2781.

Senator Huffman moved that HB 2781 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 0 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 3457.

Senator Nichols moved that HB 3457 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 0 absent.

Senator Nichols 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 CSHB 3660.

Senator Miles moved that HB 3660 do not pass but that CSHB 3660 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, 2 nays, 0 present not voting, and 0 absent.

The chair laid out as a matter of pending business HB 4544.

Senator Hinojosa moved that HB 4544 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 0 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 CSHB 3606.

The chair moved to reconsider the vote for CSHB 3606. Without objection, it was so ordered.

Senator Bettencourt moves to withdraw the substitute for HB 3606. Without objection, it was so ordered.

Senator Huffman moved that HB 3606 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 0 absent.

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

There being no further business, at 3:38 PM Senator Whitmire moved that the Committee be adjourned. Without objection, it was so ordered.



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Giovanna DiNapoli, Clerk