

## **BILL ANALYSIS**

Senate Research Center

S.B. 1004  
By: Huffman  
Criminal Justice  
5/30/2023  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Electronic monitoring devices are integral tools utilized to increase public safety and promote accountability upon the release of defendants on house arrest or as a condition of community supervision, parole, mandatory supervision, or release on bail. When these individuals remove or destroy their electronic monitoring devices, which should be tracking their daily activities, the lives of Texans may be put in danger. Currently, it is only a technical violation of parole and is not considered a violation of the law to tamper or destroy an ankle monitor.

S.B. 1004 creates a criminal offense if a person knowingly removes or disables an electronic tracking device that the person is required to wear to enable the electronic monitoring of the person's location. An offense under this bill would be a state jail felony, unless the person is in a super-intensive supervision program in which case it would be a felony of the third-degree.

(Original Author's/Sponsor's Statement of Intent)

S.B. 1004 amends current law relating to creating the criminal offense of tampering with an electronic monitoring device and to certain consequences on conviction of that offense.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 38, Penal Code, by adding Section 38.112, as follows:

Sec. 38.112. TAMPERING WITH ELECTRONIC MONITORING DEVICE. (a) Provides that a person who is required to submit to electronic monitoring of the person's location as part of an electronic monitoring program under Article 42.035 (Electronic Monitoring; House Arrest), Code of Criminal Procedure, or as a condition of community supervision, parole, mandatory supervision, or release on bail commits an offense if the person knowingly removes or disables, or causes or conspires or cooperates with another person to remove or disable, a tracking device that the person is required to wear to enable the electronic monitoring of the person's location.

(b) Provides that an offense under this section is a state jail felony, except that the offense is a felony of the third degree if the person is in the super-intensive supervision program described by Section 508.317(d) (relating to requiring the Texas Department of Criminal Justice (TDCJ) to establish a program to provide super-intensive supervision to inmates released on parole), Government Code.

(c) Provides that this section does not apply to the removal or disabling of a tracking device by a health care provider, as defined by Section 161.201 (Definition), Health and Safety Code, due to medical necessity.

SECTION 2. Amends Article 42.08, Code of Criminal Procedure, by adding Subsection (b-1), as follows:

(b-1)(1) Authorizes a judge sentencing a defendant convicted of an offense under Section 38.112, Penal Code, committed while on parole or mandatory supervision to order the sentence for the offense to:

(A) run concurrently with the sentence for the offense for which the defendant was released on parole or to mandatory supervision; or

(B) if the defendant's parole or mandatory supervision has been revoked, commence immediately on completion of the sentence for the offense for which the defendant was released on parole or to mandatory supervision.

(2) Requires a judge who orders a sentence to be imposed consecutively in the manner described by Subdivision (1)(B) to, on pronouncing the sentence, order the defendant transferred to the custody of TDCJ for purposes of serving the applicable sentences consecutively as described by that subdivision if the defendant has not been taken into custody by TDCJ following the revocation of the defendant's parole or mandatory supervision.

SECTION 3. Effective date: September 1, 2023.