

BILL ANALYSIS

S.B. 1004
By: Huffman
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 state law to tamper with or destroy an ankle monitor. S.B. 1004 seeks to address this issue by creating a felony offense for tampering with an electronic monitoring device by knowingly removing or disabling the device.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1004 amends the Penal Code to create the state jail felony offense of tampering with an electronic monitoring device for a person who:

- is required to submit to electronic monitoring of the person's location as part of an electronic monitoring program or as a condition of community supervision, parole, mandatory supervision, or bail; and
- 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.

The bill enhances the penalty to a third degree felony for a person who is in the super-intensive supervision program and commits such conduct. These provisions do not apply to the removal or disabling of a tracking device by a health care provider due to medical necessity.

S.B. 1004 amends the Code of Criminal Procedure to authorize a judge sentencing a defendant convicted of an offense of tampering with an electronic monitoring device committed while on parole or mandatory supervision to order the sentence for the offense:

- to run concurrently with the sentence for the offense for which the defendant was released on parole or to mandatory supervision; or
- if the defendant's parole or mandatory supervision has been revoked, to commence immediately on completion of the sentence for the offense for which the defendant was released on parole or to mandatory supervision.

S.B. 1004 requires a judge who orders the sentence to be imposed consecutively, on pronouncing the sentence, to order the defendant transferred to Texas Department of Criminal Justice (TDCJ) custody for purposes of serving the applicable sentences consecutively if the defendant has not been taken into TDCJ custody following the revocation of the defendant's parole or mandatory supervision.

EFFECTIVE DATE

September 1, 2023.