

BILL ANALYSIS

Senate Research Center

S.B. 1004
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Criminal Justice
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As Filed

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.

As proposed, S.B. 1004 amends current law relating to creating the criminal offense of tampering with an electronic monitoring device.

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 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 to establish a program to provide super-intensive supervision to inmates released on parole), Government Code.

SECTION 2. Effective date: September 1, 2023.