

1-1 By: Huffman S.B. No. 1004  
1-2 (In the Senate - Filed February 17, 2023;  
1-3 February 22, 2023, read first time and referred to Committee on  
1-4 Criminal Justice; March 9, 2023, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 7, Nays  
1-6 0; March 9, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Flores	X		
1-11	Bettencourt	X		
1-12	Hinojosa	X		
1-13	Huffman	X		
1-14	King	X		
1-15	Miles	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1004 By: Huffman

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to creating the criminal offense of tampering with an  
1-20 electronic monitoring device and to certain consequences on  
1-21 conviction of that offense.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 38, Penal Code, is amended by adding  
1-24 Section 38.112 to read as follows:

1-25 Sec. 38.112. TAMPERING WITH ELECTRONIC MONITORING DEVICE.

1-26 (a) A person who is required to submit to electronic monitoring of  
1-27 the person's location as part of an electronic monitoring program  
1-28 under Article 42.035, Code of Criminal Procedure, or as a condition  
1-29 of community supervision, parole, mandatory supervision, or  
1-30 release on bail commits an offense if the person knowingly removes  
1-31 or disables, or causes another person to remove or disable, a  
1-32 tracking device that the person is required to wear to enable the  
1-33 electronic monitoring of the person's location.

1-34 (b) An offense under this section is a state jail felony,  
1-35 except that the offense is a felony of the third degree if the  
1-36 person is in the super-intensive supervision program described by  
1-37 Section 508.317(d), Government Code.

1-38 (c) It is an exception to the application of this section  
1-39 that the tracking device was removed or disabled by a health care  
1-40 provider, as defined by Section 161.201, Health and Safety Code,  
1-41 due to medical necessity.

1-42 SECTION 2. Article 42.08, Code of Criminal Procedure, is  
1-43 amended by adding Subsection (b-1) to read as follows:

1-44 (b-1)(1) A judge sentencing a defendant convicted of an  
1-45 offense under Section 38.112, Penal Code, committed while on parole  
1-46 or mandatory supervision may order the sentence for the offense to:

1-47 (A) run concurrently with the sentence for the  
1-48 offense for which the defendant was released on parole or to  
1-49 mandatory supervision; or

1-50 (B) commence immediately on completion of the  
1-51 sentence for the offense for which the defendant was released on  
1-52 parole or to mandatory supervision.

1-53 (2) A judge who orders a sentence to be imposed  
1-54 consecutively in the manner described by Subdivision (1)(B) shall,  
1-55 on pronouncing the sentence, order the defendant transferred to the  
1-56 custody of the Texas Department of Criminal Justice for purposes of  
1-57 serving the applicable sentences consecutively as described by that  
1-58 subdivision if the defendant has not been taken into custody by the  
1-59 department following the automatic revocation of the defendant's  
1-60 parole or mandatory supervision under Section 508.285, Government

2-1 Code.  
2-2 SECTION 3. Subchapter I, Chapter 508, Government Code, is  
2-3 amended by adding Section 508.285 to read as follows:  
2-4 Sec. 508.285. AUTOMATIC REVOCATION ON CONVICTION OF  
2-5 TAMPERING WITH ELECTRONIC MONITORING DEVICE. Notwithstanding any  
2-6 other law, on a releasee's conviction of an offense under Section  
2-7 38.112, Penal Code, the releasee's parole or mandatory supervision  
2-8 is automatically revoked and the sentence for which the releasee  
2-9 was on parole or mandatory supervision may not be considered to have  
2-10 ceased to operate for purposes of Article 42.08, Code of Criminal  
2-11 Procedure.  
2-12 SECTION 4. This Act takes effect September 1, 2023.

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