

Summary of Selected Legislation enacted by the 82<sup>nd</sup> Legislature, Regular Session  
6/13/2011

HB 3 by Thompson - provides that a person convicted of aggravated sexual assault who has previously been convicted of that offense or continuous sexual abuse of a young child must serve a sentence of life without the possibility of parole.

HB 51 by Lucio III – establishes high-performance sustainable design standards for the construction or renovation of state buildings. The State Energy Conservation Office would be responsible for setting, with the assistance of an advisory commission, applicable design and construction standards.

HB 200 by Parker – requires that inmate release notifications be provided by email or other electronic communication. The bill also requires TDCJ to electronically notify the United States Social Security Administration upon the release or discharge of a prisoner from a state correctional facility who was receiving Supplemental Security Income or Social Security Disability Insurance immediately prior to confinement and was confined for less than 12 consecutive months.

HB 417 by Anchia - requires TDCJ to provide information to any wrongfully imprisoned person regarding how to obtain compensation and contact information for nonprofit advocacy groups that will assist them in their efforts. The information must be provided at the time of release or as soon as practicable after the date of a full pardon or granting of relief on the basis of innocence. The bill also requires that a person entitled to compensation for wrongful imprisonment is eligible for group health insurance as if the person was a TDCJ employee.

HB 628 by Callegari – makes numerous revisions to state law governing contracting and delivery methods for construction projects by governmental entities, to include expanding the types of contracting methods available to many governmental entities.

HB 988 by Kolkhorst - increases the period that compensatory time accrued by correctional officers may be used (prior to lapsing) from 12 to 24 months.

HB 1028 by Phillips – allows a court to prohibit an offender sentenced to incarceration from contacting the crime victim or the victim's family members, and permits a parole panel to consider whether the offender contacted the victim in violation of TDCJ policy or a court order.

HB 1205 by Turner - allows certain defendants to receive a combination of time credits toward the completion of their period of community supervision by earning a certificate, diploma or a degree, making certain payments or completing a rehabilitation program. The defendant's community supervision officer (CSO) must notify the court if one or more time credits allow or require the court to conduct a review of the defendant's community for possible early termination. On receipt of the notice from the CSO, the court must contact the defendant's attorney and then conduct the review to determine if the defendant is eligible for a reduction or termination of community supervision.

HB 1381 by Madden - allows a TDCJ employee, as designated by the warden, to accept civil service from a law enforcement official on behalf of an inmate.

HB 1770 by Madden - allows TDCJ to issue a payment for post-release housing of an offender only if the agency does not operate or contract for operation of a residential correctional facility in the county of an offender's legal residence. In certain circumstances TDCJ or the owner of a structure must provide notice of the proposed use of the structure and hold a public hearing on whether the use of the structure is appropriate.

HB 1908 by Madden – allows health care providers serving persons committed to or confined in a secure correctional facility operated by or under contract with TYC or TDCJ to be eligible for a student loan repayment program.

HB 2004 by Bonnen - requires the Texas Board of Criminal Justice (TBCJ) to sell approximately 2200 acres at the Ramsey unit in Brazoria County.

HB 2124 by Workman - returns responsibility for victim notification upon the acquittal of a defendant by reason of insanity from TDCJ's Victim Services Division to local authorities who have jurisdiction over the patient/defendant and possess the necessary victim information required to give notice.

HB 2354 by Madden - allows TDCJ's Office of Inspector General to possess and use a pen register during criminal investigations regarding escapes and prohibited substances and items in a correctional facility.

HB 2518 by Kolkhorst – requires the Texas Board of Criminal Justice to transfer to the board of regents of the Texas A&M University System 2,536 acres of property for the use of the Texas Forest Service. The property is currently leased from TDCJ by the Texas Forest Service.

HB 2624 by Sheffield - requires information about a defendant's military service to be included in a pre-sentence investigation.

HB 2649 by Allen - allows a judge to award diligent participation credit for participation in a work, treatment, educational or vocational program to a defendant convicted of a state jail felony, in an amount not to exceed 20% of the original state jail felony sentence.

HB 2734 by Madden - requires as a condition of parole that an illegal alien released to the custody of the U.S. Immigration and Customs Enforcement leave the United States and not return by unlawful means.

HB 2735 by Madden - requires the Parole Division to issue a summons for a hearing before a parole panel, rather than an arrest warrant, to a parolee charged with an administrative violation of parole more than three years after having been placed on supervision. The parolee must not be serving a sentence for, nor previously been convicted of, an offense that would require sex offender registration and must not be on intensive or super-intensive supervision parole, be an absconder, or have been determined to be a threat to public safety.

HB 2847 by Madden - allows a person operating a video conferencing (VTC) system to be present when a grand jury is conducting business, and allows punishment of that person if the proceedings of the grand jury are leaked. The bill also allows a peace officer to testify before a grand jury using closed circuit video. The bill also permits a plea of guilty or a waiver of rights may be taken through a closed circuit video conference, unless the defendant or district attorney objects, and allows courts to accept pleas made by incarcerated offenders in TDCJ by VTC, except for a defendant charged with capital felony death penalty case. Prior to submitting a plea, the inmate must sign a waiver of jury trial before the plea is accepted.

HB 3384 by Madden - removes the provision allowing a previous conviction for a state jail felony offense to be used for enhancement purposes (in most cases). Punishment for a state jail felony offense may be enhanced to a third degree felony if it is shown at trial that the defendant has been twice previously convicted of a state jail felony.

HB 3691 by Gallego - requires the TBCJ to adopt rules regarding contracts between community supervision and corrections departments (CSCDs) and between judicial districts and CSCDs in another judicial district. The bill also adds the CSCD director as a member of the community justice council and requires CJAD to prepare a report containing a summary of the programs and services included in each community justice plan (CJP), which would be submitted to the LBB along with the agency's legislative appropriations report. Submission of each CSCD's CJP would be moved to even-numbered years, and the CJP must include additional information on each CSCD's programs, services and projected programmatic and budgetary needs. Each CSCD or regional partnership of CSCDs would be permitted to submit a commitment reduction plan that includes a reduction target. If CJAD determines that a CSCD's or regional partnership of CSCD's report could create a savings to the state, CJAD may award a

one-time lump sum equal to 35% of the savings and may also provide incentive payments for certain achievements over a biennium. If the CSCD or CSCD regional partnership fails to meet the target, the funds must be repaid proportionate to the amount the target was not reached.

SB 653 by Whitmire - abolishes the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and creates a transition team to assist in the formation of the Texas Juvenile Justice Department, with all duties and statutory references to TYC and TJPC transferring to the new agency.

SB 880 by Whitmire - expands and clarifies the types of programs a CSCD may operate to supervise individuals not under court-ordered supervision by adding pretrial services, bail, occupational driver's licenses and deep-lung breath analysis mechanisms. The bill also increases the administrative fee range from \$25 - \$40 per month to \$25 - \$60 per month.

SB 953 by Whitmire - permits a court that grants an occupational license to a person to require as a condition of that license periodic testing for alcohol or controlled substances if the person's license was previously suspended due to a DUI conviction. The court may also order the occupational licensee to submit to monitoring by a CSCD to verify compliance, pay an administrative fee and extend the period of supervision until the end of the suspension of the person's driver's license.

SB 1010 by Huffman - requires the attorney representing the state to give the victim, guardian of a victim or close relative of a deceased victim notice of the existence and terms of any plea bargain agreement. The bill also requires the court, prior to accepting a plea bargain agreement, to inquire whether the attorney representing the state has given the required notice.

SB 1522 by Hinojosa – requires the court to accept a plea from an incarcerated defendant by mail or secure electronic or facsimile transmission. Prior to accepting the plea, the court must verify that the person submitting the plea is the defendant named in the information or indictment or a person with legal authority to act for the defendant named in the information or the indictment.

SB 1681 by Ellis – clarifies certain procedures that judges and defense attorneys must follow when counsel is allowed to withdraw following a guilty plea or trial. The bill provides that the Fair Defense Act procedures for appointing attorneys, such as from a list in a fair manner, apply to appeals in criminal cases and to probation revocation hearings. The bill also grants any magistrate the authority to give warnings, such as the right to counsel, to persons arrested on motions to revoke probation.

Note the Governor generally has until June 19<sup>th</sup> to sign, veto or let legislation become law without his signature.