

SUBJECT: Stalking victim notification when suspect released on bail

COMMITTEE: Public Safety — favorable, without amendment

VOTE: 7 ayes — Oakley, Bailey, Allen, Carter, Driver, Madden, McCoulskey
0 nays

2 absent — Edwards, Luna

SENATE VOTE: On final passage, February 8 — voice vote

WITNESSES: For — Hannah Riddering, Texas National Organization for Women
Against — None

DIGEST: SB 124 would require that before a person who has been arrested for stalking (harassment under Penal Code sec. 42.07 (a)(7)) is released on bail, the law enforcement agency holding the person make a reasonable attempt to notify the alleged victim or a representative of the victim.

The arresting officer would be required, if possible, to obtain the address and telephone number of the victim when an arrest is made. An attempt by the law enforcement agency to give notice to a victim or the victim's representative at the last known telephone number or address in the agency's records would be considered a reasonable attempt. A law enforcement agency or an employee of a law enforcement agency would not be liable for damages from notifying or trying to notify a victim.

SB 124 would take effect September 1, 1995.

SUPPORTERS SAY: Requiring jail officials to notify or make a reasonable attempt to notify stalking victims before a person accused of stalking is released on bail would allow victims to be aware that the stalker is free and to make necessary arrangements for safety. Stalkers often return to harm or threaten their victims, who should be given every opportunity to protect themselves.

Victims now may call jails to see if a stalker has been released. However, they must call every day or even every hour if they want to know the latest information. This is burdensome for the victim and the law enforcement agency. Having the law enforcement agency notify the victim would cut down on these phone calls and reduce the burden on the victim and the jail. Three other states have similar laws.

SB 124 would not be a burden for law enforcement agencies. It would require only that authorities notify the victim, or make a reasonable attempt using the last known telephone or address in their files, and apply only to stalking offenses. The bill would not require law enforcement agencies to track down a victim who has moved or is unavailable. Victims' telephone number and addresses are readily available from offense reports and would be available to jail personnel through computerized records, even in most small counties. Law enforcement agencies would be protected from liability for their actions.

OPPONENTS
SAY:

SB 124 could be a burden on law enforcement agencies, especially small ones without jail staff. This bill could open the door to other victims — such as victims of domestic violence, sexual assault or hate crimes — asking for notification when a suspect is released on bail.

OTHER
OPPONENTS
SAY:

This bill does not go far enough and should include victims of domestic violence. The Senate Interim Committee on Domestic Violence recommended to the 74th Legislature that jail officials should be required to make a reasonable attempt to contact domestic violence victims before a suspect is released on bail or bond.

NOTES:

Also on today's calendar are SB 126 by Moncrief, which would redefine harassment by stalking to eliminate a requirement that at least one previous incident of harassing behavior have been reported to a law enforcement agency, and SB 129 by Moncrief, which would allow a magistrate to issue an emergency 30-day protective order in some domestic violence and stalking cases.