

SUBJECT: Inmate forfeiture of good conduct time for contacting child victims

COMMITTEE: Corrections— favorable, with amendment

VOTE: 8 ayes — Hightower, Allen, Alexander, Farrar, Gray, Hupp, Marchant, Serna
1 nay — Edwards

SENATE VOTE: On final passage, Local and Uncontested Calender March 20 — 31-0

WITNESSES: None

DIGEST: SB 51, as amended, would require the Texas Department of Criminal Justice (TDCJ) to adopt policies that prohibit prison inmates or persons in a transfer facility awaiting transfer to a prison from contacting victims of their offenses. The policy would apply if the victim was younger than 17 years old when the offense occurred and TDCJ had not received written consent for the contact and given the inmate a copy of the consent. The written consent would have to be from the victims' parent, other than the inmate if the inmate was also a parent of the victim, or legal guardian or from the victim if the victim was at least 17 years old when giving the consent.

TDCJ would be required to forfeit all or part of the good conduct time of inmates who violated this policy and could not restore this good conduct time if forfeited for a violation of this policy.

SB 51 would take effect September 1, 1997.

SUPPORTERS SAY: SB 51 is necessary to ensure that prison inmates who have victimized children do not contact their victims. Children are the most vulnerable members of society and deserve special protections from prison inmates who have committed crimes against them.

SB 51 would ensure that felons such as child molesters and others who contact their victims in violation of the newly required TDCJ policy would lose their good conduct time. This would deter inmates from making this contact and give child victims the protection they deserve so they would not

be victimized again by an offender. While TDCJ could handle this situation through its policies, TDCJ rules do not have the weight of state law. SB 51 would ensure this important policy was encoded in state law. SB 51 would not be an unusual or burdensome restriction on TDCJ's flexibility considering the numerous other statutes that govern inmate good conduct time.

Also, while TDCJ currently has policies that can restrict inmates' correspondence, these restrictions are applied only if persons request them. SB 51 would take the burden off of child victims and their parents or guardians to make this request and ensure that all child victims are afforded this protection. In addition, SB 51 would cover all types of contact, including letters, telephone or any other means.

SB 51 contains exceptions so that inmates could contact victims if the victims or their parents or guardians specifically gave permission. This would allow contact between inmates and their families or others, but only if consented to by the victim.

OPPONENTS
SAY:

SB 51 is unnecessary because TDCJ currently has broad authority to establish rules about inmates' good conduct time and inmates' contact with other persons. These types of rules would be better handled by TDCJ policies rather than placing them in statute where they could reduce the department's flexibility. TDCJ has used its broad authority to establish rules that allow inmates to be denied permission to correspond with certain persons, including persons who request such a restriction. These type of policies could be expanded instead of enacting inflexible statutes governing specific situations, especially since restrictions on inmates' contact with other persons involve special considerations about inmates' rights.

OTHER
OPPONENTS
SAY:

SB 51 should be expanded so that all victims would have the protections afforded by the bill.

NOTES:

The committee amended the bill to require the Texas Department of Criminal Justice, rather than the TDCJ board, to adopt the required policies.