

- SUBJECT:** Notifying victims and witnesses of offender's release from house arrest
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Gallego, Fletcher, Hodge, Kent, Miklos, Moody, Pierson, Vaught, Vo
- 0 nays
- 2 absent — Christian, Riddle
- WITNESSES:** For — (*Registered, but did not testify*, Torie Camp, Texas Association Against Sexual Assault; Katrina Daniels, Bexar County District Attorney's Office; Kevin Petroff, Harris County District Attorney's Office)
- Against — None
- BACKGROUND:** Code of Criminal Procedure, secs. 56.11 and 56.12 require the Texas Department of Criminal Justice (TDCJ) or a sheriff with custody of an offender to notify victims and witnesses upon the escape, release or transfer of custody of an offender. Local law enforcement officials also must be notified.
- This notification requirement applies to homicide, kidnapping, stalking, family violence, trafficking, assault, and sex offenses.
- DIGEST:** HB 1003 would require TDCJ, a sheriff, or a probation office to notify victims and witnesses when a defendant was taken off electronic monitoring. Victims and witnesses who wanted such notification would be required to give contact information to a probation office, TDCJ, or a sheriff. Contact information would be confidential. Victims and witnesses would have to be notified via mail or email within 30 days of a release from electronic monitoring .
- The bill would take effect on September 1, 2009 and only apply to offenders who were sentenced to electronic monitoring as a condition of release after that date.

**SUPPORTERS
SAY:**

HB 1003 would protect victims and witnesses of violent and sexually charged crimes at risk for retaliation and assault when a perpetrator was released from prison or taken off house arrest. HB 1003 would build upon current law, which requires victim and witness notification upon release from prison, to also include electronic monitoring.

Electronic monitoring is an effective way to prevent defendants from committing crimes, but it only works while it is being used. As soon as an individual's ankle bracelet is removed, he or she is free to travel without restriction. HB 1003 would empower victims and witnesses with the ability to protect themselves from perpetrators with new-found freedom.

The types of crimes that would be covered in HB 1003 have a high probability of being repeated. Stalkers, sex abusers and perpetrators of family violence are notorious for committing crimes over and over again. Victims of such crimes often have to obtain restraining orders against such individuals to prevent them from attacking again. Notification of a defendant's release from house arrest would be especially important for the class of crimes addressed by the bill.

**OPPONENTS
SAY:**

By increasing number and frequency of notifications that TDCJ would be required to make, HB 1003 would strain the agency's already limited resources. TDCJ would have to set up a new protocol for electronic monitoring notification and use staff time to carry out the program. HB 1003 would not provide any additional resources to cover the costs associated with expanding the victim and witness notification program.

The notification required by HB 1003 would be redundant. TDCJ and sheriffs already are required to notify victims and witnesses upon the release of a defendant from prison. Victims would already be aware of a defendant's escape or release by the time they received the notification required by the bill. The notification requirement in current statute is sufficient and gives victims the ability to make any necessary adjustments to protect their safety.