

BILL ANALYSIS

Senate Research Center
82R966 KCR-D

H.B. 1028
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, an offender who is released on parole may be prohibited from contacting the victim of his crime as a condition of his parole. However, current law does not expressly authorize a court to prohibit an offender from contacting the victim during the term of his imprisonment.

H.B. 1028 amends Chapter 42 (Judgment and Sentence), Code of Criminal Procedure, to authorize convicting courts to prohibit defendants from contacting a victim, or a member of the victim's family, for the duration of a prison sentence or confinement. The bill provides that violations of no-contact orders would be punished by forfeiting the inmate's good conduct time. Finally, the bill would authorize parole panels to consider violations of no-contact orders. The issuance of a no-contact order, the forfeiture of good conduct time, and the consideration of violations by parole panels would all be discretionary.

H.B. 1028 amends current law relating to certain contact between a criminal defendant and the victim of the offense of which the defendant is convicted or a member of the victim's family.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.24, as follows:

Art. 42.24. PROHIBITING CONTACT WITH VICTIM. Authorizes the convicting court, if a defendant's sentence includes a term of confinement or imprisonment, as part of the sentence, to prohibit the defendant from contacting, during the term of the defendant's confinement or imprisonment, the victim of the offense of which the defendant is convicted or a member of the victim's family.

SECTION 2. Amends Section 5, Article 42.032, Code of Criminal Procedure, to authorize any part or all of the commutation accrued under this article to be forfeited and taken away by the sheriff for certain reasons, including if the defendant, in violation of an order entered under Article 42.24, contacts the victim of the offense for which the defendant is serving a sentence or a member of the victim's family.

SECTION 3. Amends Section 498.0042(b), Government Code, to require the Department of Criminal Justice (TDCJ), if, during the actual term of imprisonment of an inmate in the institutional division or a transfer facility, the inmate violates a policy adopted under Subsection (a) (relating to policies prohibiting an inmate from contacting a victim or member of the victim's family) or an order entered under Article 42.24, Code of Criminal Procedure, to forfeit all or any part of the inmate's accrued good conduct time.

SECTION 4. Amends Subchapter E, Chapter 508, Government Code, by adding Section 508.1531, as follows:

Sec. 508.1531. CONTACT WITH VICTIM. Authorizes a parole panel considering the release of an inmate on parole or to mandatory supervision to consider whether the inmate violated a policy adopted by TDCJ under Section 498.0042(a) or a court order entered under Article 42.24, Code of Criminal Procedure.

SECTION 5. Effective date: September 1, 2011.