

## MINUTES

### SENATE COMMITTEE ON CRIMINAL JUSTICE

Wednesday, April 17, 2013  
1:30 PM or upon adjournment  
Capitol Extension, Room E1.036

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Pursuant to a notice posted in accordance with Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on Criminal Justice was held on Wednesday, April 17, 2013, in the Capitol Extension, Room E1.036, at Austin, Texas.

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**MEMBERS PRESENT:**

Senator John Whitmire, Chair  
Senator Joan Huffman, Vice Chair  
Senator John Carona  
Senator Juan Hinojosa  
Senator Dan Patrick  
Senator José Rodríguez  
Senator Charles Schwertner

**MEMBERS ABSENT:**

None

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The chair called the meeting to order at 4:02 PM. There being a quorum present, the following business was transacted:

The chair laid out SB 1192 and recognized the author, Senator Davis, to explain the bill.

Senator Schwertner sent up a committee substitute; the chair recognized Senator Davis to explain the difference between the committee substitute and the senate bill as filed. Senator Schwertner moved adoption of the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Rodríguez moved that SB 1192 do not pass but that CSSB 1192 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Huffman asked unanimous consent to bestow voting aye on CSSB 1192. There being no objection, it was so ordered. Senator Carona submitted a motion in writing requesting to be shown voting aye on CSSB 1192.

Senator Patrick moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

As a matter of pending business, the chair laid out SB 1348 and recognized the author, Senator West, to explain the bill.

Senator West sent up Committee Amendment 1 and moved adoption; without objection, the amendment was adopted.

Senator Patrick moved to reconsider and withdraw the adoption of Committee Amendment 1; without objection, the amendment was withdrawn.

Senator Patrick sent up a committee substitute; the chair recognized Senator West to explain the difference between the committee substitute and the senate bill as filed. Senator Patrick moved adoption of the committee substitute; without objection, it was so ordered.

Senator West sent up Committee Amendment 1 and moved adoption; without objection, the amendment was adopted.

Senator West requested unanimous consent to incorporate the amendment into a committee substitute; without objection, it was so ordered. Senator Whitmire then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Patrick moved that SB 1348 do not pass but that CSSB 1348 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Carona submitted a motion in writing requesting to be shown voting aye on CSSB 1348. Senator Huffman asked unanimous consent to bestow voting aye on CSSB 1348. There being no objection, it was so ordered.

As a matter of pending business, the chair laid out SB 592 and recognized the author, Senator Ellis, to explain the bill.

Senator Patrick sent up a committee substitute; the chair recognized Senator Ellis to explain the difference between the committee substitute and the senate bill as filed. Senator Patrick moved adoption of the committee substitute; without objection, it was so ordered.

Senator Rodríguez moved that SB 592 do not pass but that CSSB 592 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Carona submitted a motion in writing requesting to be shown voting aye on CSSB 592. Senator Huffman asked unanimous consent to bestow voting aye on CSSB 592. There being no objection, it was so ordered.

Senator Ellis moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1285 and recognized the author, Senator Williams, to explain the bill.

Senator Patrick moved that SB 1285 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Carona submitted a motion in writing requesting to be shown voting aye on SB 1285.

Senator Patrick moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 549 and recognized the author, Senator Williams, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Huffman moved that SB 549 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Carona submitted a motion in writing requesting to be shown voting aye on SB 549.

Senator Schwertner moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

As a matter of pending business, the chair laid out SB 1475 and recognized the author, Senator Duncan, to explain the bill.

Senator Huffman sent up a committee substitute; the chair recognized Senator Duncan to explain the difference between the committee substitute and the senate bill as filed. Senator Huffman moved adoption of the committee substitute; without objection, it was so ordered.

Senator Huffman moved that SB 1475 do not pass but that CSSB 1475 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Carona submitted a motion in writing requesting to be shown voting aye on CSSB 1475.

Senator Huffman moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 878 and recognized the author, Senator Patrick, to explain the bill.

Senator Whitmire sent up a committee substitute; the chair recognized Senator Patrick to explain the difference between the committee substitute and the senate bill as filed. Senator Whitmire moved adoption of the committee substitute; without objection, it was so ordered.

Senator Patrick moved that SB 878 do not pass but that CSSB 878 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Carona submitted a motion in writing requesting to be shown voting aye on CSSB 878.

Senator Patrick moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1189 and recognized the author, Senator Huffman, to explain the bill.

Senator Huffman sent up a committee substitute; the chair recognized Senator Huffman to explain the difference between the committee substitute and the senate bill as filed. Senator Huffman moved adoption of the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Huffman moved that SB 1189 do not pass but that CSSB 1189 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Carona submitted a motion in writing requesting to be shown voting aye on CSSB 1189. Senator Patrick submitted a motion in writing requesting to be shown voting aye on CSSB 1189.

Senator Huffman moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1772 and recognized the author, Senator Huffman, to explain the bill.

Senator Huffman sent up a committee substitute; the chair recognized Senator Huffman to explain the difference between the committee substitute and the senate bill as filed. Senator Huffman moved adoption of the committee substitute; without objection, it was so ordered.

Witnesses registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Huffman moved that SB 1772 do not pass but that CSSB 1772 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Carona submitted a motion in writing requesting to be shown voting aye on CSSB 1772. Senator Patrick submitted a motion in writing requesting to be shown voting aye on CSSB 1772.

Senator Huffman moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1044 and recognized the author, Senator Rodríguez, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Huffman moved that SB 1044 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Carona submitted a motion in writing

requesting to be shown voting aye on SB 1044. Senator Patrick submitted a motion in writing requesting to be shown voting aye on SB 1044.

Senator Huffman moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1757 and recognized Senator Rodríguez, in the absence of the author, to explain the bill.

Senator Rodríguez sent up a committee substitute; the chair recognized Senator Rodríguez to explain the difference between the committee substitute and the senate bill as filed. Senator Rodríguez moved adoption of the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Rodríguez moved that SB 1757 do not pass but that CSSB 1757 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Carona submitted a motion in writing requesting to be shown voting aye on CSSB 1757. Senator Patrick submitted a motion in writing requesting to be shown voting aye on CSSB 1757.

Senator Rodríguez moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1448 and recognized Senator Huffman, in the absence of the author, to explain the bill.

Senator Huffman sent up a committee substitute; the chair recognized Senator Huffman to explain the difference between the committee substitute and the senate bill as filed. Senator Huffman moved adoption of the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 1448 be left pending; without objection, it was so ordered.

The chair laid out SB 538 and recognized the author, Senator Rodríguez, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 538 be left pending; without objection, it was so ordered.

At 5:31 PM Senator Huffman assumed the chair.

The chair laid out SB 827 and recognized the author, Senator Whitmire, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 827 be left pending; without objection, it was so ordered.

The chair laid out SB 1428 and recognized Senator Huffman, in the absence of the author, to explain the bill.

Senator Huffman sent up a committee substitute; the chair recognized Senator Huffman to explain the difference between the committee substitute and the senate bill as filed. Senator Huffman moved adoption of the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 1428 be left pending; without objection, it was so ordered.

At 5:37 PM Senator Whitmire assumed the chair.

The chair laid out SB 384 and recognized the author, Senator Carona, to explain the bill.

At 5:39 PM Senator Huffman assumed the chair.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Carona moved that SB 384 be left pending; without objection, it was so ordered.

At 5:43 PM Senator Whitmire assumed the chair.

The chair laid out SB 1003 and recognized the author, Senator Carona, to explain the bill.

Senator Huffman sent up a committee substitute; the chair recognized Senator Carona to explain the difference between the committee substitute and the senate bill as filed. Senator Huffman moved adoption of the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that CSSB 1003 be left pending; without objection, it was so ordered.

As a matter of pending business, the chair laid out SB 538.

Senator Rodríguez moved that SB 538 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

Senator Rodríguez moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

As a matter of pending business, the chair laid out SB 1003.

Senator Carona moved that SB 1003 do not pass but that CSSB 1003 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 1 nay, 0 present not voting, and 1 absent. Senator Schwertner submitted a motion in writing requesting to be shown voting nay on CSSB 1003.

The chair laid out SB 780 and recognized the author, Senator Hinojosa, to explain the bill.

Witnesses registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Rodríguez moved that SB 780 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 4 ayes, 1 nay, 0 present not voting, and 2 absent.

As a matter of pending business, the chair laid out SB 827.

Senator Hinojosa moved that SB 827 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Patrick submitted a motion in writing requesting to be shown voting aye on SB 827.

Senator Hinojosa moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

As a matter of pending business, the chair laid out SB 1428.

Senator Hinojosa moved that SB 1428 do not pass but that CSSB 1428 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 4 ayes, 1 nay, 0 present not voting, and 2 absent.

As a matter of pending business, the chair laid out SB 1448.

Senator Hinojosa moved that SB 1448 do not pass but that CSSB 1448 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 4 ayes, 2 nays, 0 present not voting, and 1 absent. Senator Schwertner submitted a motion in writing requesting to be shown voting nay on CSSB 1448.

There being no further business, at 6:12 PM Senator Whitmire moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

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Senator John Whitmire, Chair

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Kathryn Hendrix , Clerk