

## MINUTES

### SENATE COMMITTEE ON CRIMINAL JUSTICE

Tuesday, March 8, 2011

1:30 PM

Capitol Extension, Room E1.016

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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 Tuesday, March 8, 2011, in the Capitol Extension, Room E1.016, at Austin, Texas.

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**MEMBERS PRESENT:**

Senator John Whitmire, Chair  
Senator Joan Huffman, Vice Chair  
Senator John Carona  
Senator Rodney Ellis  
Senator Glenn Hegar  
Senator Juan Hinojosa  
Senator Dan Patrick

**MEMBERS ABSENT:**

None

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The chair called the meeting to order at 1:30 PM. There being a quorum present, the following business was transacted:

The chair laid out SB 545 and recognized the author, Senator Seliger, to explain the bill.

Senator Whitmire sent up a committee substitute; the chair recognized Senator Seliger 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.

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 545 be left pending; without objection it was so ordered.

The chair laid out SB 250 and recognized the author, Senator Zaffirini, 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 250 be left pending; without objection it was so ordered.

The chair laid out SB 279 and recognized the author, Senator Davis, 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 279 be left pending; without objection it was so ordered.

The chair laid out SB 170 and recognized the author, Senator Ellis, to explain the bill.

Senator Ellis 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 Whitmire 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 170 be left pending; without objection it was so ordered.

Senator Hinojosa moved that SB 545 do not pass but that CSSB 545 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 Hinojosa moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Ellis moved that SB 279 be reported to the senate with a recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 1 nay, 0 present not voting, and 0 absent.

Senator Huffman moved that SB 250 be reported to the senate with a 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 Huffman moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Ellis moved that SB 170 do not pass but that CSSB 170 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 Ellis moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Ellis moved that the committee reconsider the vote by which SB 279 be reported to the senate. Senator Patrick requested that his vote on SB 279 be changed from “nay” to aye”. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. 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 116 and recognized Senator Hinojosa, in the absence of the author, to explain the bill.

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

Senator Whitmire requested unanimous consent to incorporate the amendment into the committee substitute; without objection, it was so ordered. Senator Whitmire then moved that the substitute be adopted; 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 116 do not pass but that CSSB 116 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Patrick and Senator Carona submitted motions in writing requesting unanimous consent to be shown voting aye on CSSB 116. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. 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 542 and recognized the author, Senator Hegar, to explain the bill.

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Senator Whitmire sent up a committee substitute; the chair recognized Senator Hegar 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.

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 542 do not pass but that CSSB 542 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Patrick and Senator Carona submitted motions in writing requesting unanimous consent to be shown voting aye on CSSB 542. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Ellis moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Hegar requested that he be shown voting aye on CSSB 545, SB 279, SB 250, CSSB 170, CSSB 116. The chair made a motion that Senator Hegar's votes be recorded; without objection it was so ordered.

There being no further business, at 2:20 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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Michaela Bernacchio, Clerk