

BILL ANALYSIS

C.S.H.B. 1812
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Evidence has shown that a victim of domestic violence faces the greatest risk of homicide when leaving or engaging in a legal separation from a batterer. Interested parties point out that strong containment methods such as the use of GPS technology can keep victims safe while the defendant is free on bond. These parties point out that this technology is paid for by the defendant but is covered by the county if the defendant is indigent. The parties contend that providing a way of alleviating these costs to counties would help encourage counties to use GPS technology more often to protect victims of domestic violence in a smarter, more proactive way. C.S.H.B. 1812 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1812 amends the Government Code to require the criminal justice division in the governor's office, in consultation with the Texas Council on Family Violence, to establish and administer a grant program to reimburse counties for all or part of the costs incurred by counties as a result of monitoring in cases involving family violence defendants and victims who participate in a global positioning monitoring system as provided by the Code of Criminal Procedure. The bill requires the criminal justice division, in consultation with the Texas Council on Family Violence, to establish additional eligibility criteria for grant applicants, grant application procedures, guidelines relating to grant amounts, procedures for evaluating grant applications, and procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant. The bill requires the criminal justice division to include in the division's biennial report to the legislature a detailed reporting of the results and performance of the grant program and authorizes the division to use all revenue available for purposes of the bill's provisions other than funding received under the federal Victims of Crime Act of 1984, the federal Violence Against Women Act of 1994, or the federal Violence Against Women Act of 2000.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1812 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 772, Government Code, is amended by adding Section 772.0072 to read as follows:

Sec. 772.0072. GRANT PROGRAM FOR MONITORING DEFENDANTS AND VICTIMS IN FAMILY VIOLENCE CASES. (a) In this section:

(1) "Criminal justice division" means the criminal justice division established under Section 772.006.

(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.

(b) The criminal justice division shall establish and administer a grant program to reimburse counties for all or part of their financial losses incurred as a result of monitoring in cases involving family violence defendants and victims who participate in a global positioning monitoring system under Article 17.292 or 17.49, Code of Criminal Procedure.

(c) The criminal justice division shall establish:

(1) additional eligibility criteria for grant applicants;

(2) grant application procedures;

(3) guidelines relating to grant amounts;

(4) procedures for evaluating grant applications; and

(5) procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

(d) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) a detailed reporting of the results and performance of the grant program administered under this section.

(e) The criminal justice division may use any revenue available for purposes of this section.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 772, Government Code, is amended by adding Section 772.0072 to read as follows:

Sec. 772.0072. GRANT PROGRAM FOR MONITORING DEFENDANTS AND VICTIMS IN FAMILY VIOLENCE CASES. (a) In this section:

(1) "Criminal justice division" means the criminal justice division established under Section 772.006.

(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.

(b) The criminal justice division, in consultation with the Texas Council on Family Violence, shall establish and administer a grant program to reimburse counties for all or part of the costs incurred by counties as a result of monitoring in cases involving family violence defendants and victims who participate in a global positioning monitoring system under Article 17.292 or 17.49, Code of Criminal Procedure.

(c) The criminal justice division, in consultation with the Texas Council on Family Violence, shall establish:

(1) additional eligibility criteria for grant applicants;

(2) grant application procedures;

(3) guidelines relating to grant amounts;

(4) procedures for evaluating grant applications; and

(5) procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

(d) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) a detailed reporting of the results and performance of the grant program administered under this section.

(e) The criminal justice division may use all revenue available for purposes of this section other than funding received under the Victims of Crime Act of 1984 (Title II, Pub. L. No. 98-473), the Violence Against Women Act of 1994 (Title IV, Pub. L. No.

103-322), or the Violence Against Women Act of 2000 (Division B, Pub. L. No. 106-386).

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 2. Same as introduced version.