

SUBJECT: Victim notification of offender probation and conditions

COMMITTEE: Public Safety — favorable, without amendment

VOTE: 5 ayes — Oakley, Bailey, Allen, Carter, Luna

0 nays

4 absent — Driver, Edwards, Madden, McCoulskey

SENATE VOTE: On final passage, February 21 — voice vote

WITNESSES: None

DIGEST: SB 47 would require local community supervision and corrections (probation) departments to make a reasonable effort to notify crime victims, victims' guardians or, if the victims are deceased, a close relative, if the offender who committed the crime against the victim is placed on community supervision (probation), of the conditions of community supervision and of the date, time and location of any hearing at which the conditions of community supervision may be modified or probation revoked or terminated.

A prosecutor who received a victim's current address and telephone number would be required to immediately provide the information to the local community supervision and corrections department if the offender was placed on probation. An attempt by a department to give notice to a victim, guardian or close relative at the last known telephone number or address in the department's records would be considered a reasonable attempt.

SB 47 would take effect September 1, 1995.

SUPPORTERS SAY: SB 47 would enhance crime victims' rights and ensure they are notified when important decisions are made concerning their cases. Crime victims deserve to be fully informed of the criminal justice process and important events concerning their cases, especially if an offender is being given probation and the victim could be subject to a potentially dangerous

situation. This bill would be another part of the 74th Legislature's efforts to strengthen crime victims' rights.

SB 47 would not be a burden for probation departments, which often have automated case filing systems and already have to handle victim inquiries about probation. The bill would establish a uniform statewide policy for informing victims and would require only that authorities notify the victim, or make a reasonable attempt, using the last known telephone or address in their files. Prosecutors would simply pass along the victims' information to the probation departments. SB 47 would not require probation departments to track down a victim who has moved and not informed the department or who is unavailable.

**OPPONENTS  
SAY:**

SB 47 could be a burden on local probation departments; some handle a large volume of cases, while others are small and do not have large staffs. Notifying victims of hearings to modify or revoke probation could be particularly burdensome since one probationer may have numerous hearings, and the hearings are often set and reset more than once. Probation officers often have large caseloads, and the requirements in this bill could add to their work. While some local probation departments have automated case files, others do not or are only partially automated.