

- SUBJECT:** Expanding victims' relatives who may be notified during parole process
- COMMITTEE:** Corrections — favorable, without amendment
- VOTE:** 6 ayes — Madden, Hochberg, McReynolds, Dunnam, Haggerty, Jones
0 nays
1 absent — Oliveira
- WITNESSES:** For — (*Registered, but did not testify:* Nicole Porter, American Civil Liberties Union of Texas)
Against — None
On — Mark Odom, TDCJ Victims Services Division
- BACKGROUND:** Government Code, sec. 508.117 requires the Texas Department of Criminal Justice (TDCJ) to make a reasonable effort to notify victims of crimes against persons before a parole panel considers release on parole for a prison inmate. The agency is required to use the victim impact statement that they receive from prosecutors to identify the persons to be notified and to make a reasonable effort to notify victims, guardians of victims, and close relatives of deceased victims. Victims, guardians, and close relatives who failed to provide contact information on the victim impact statement can file a written request for notification with TDCJ.

“Close relatives” of deceased victims are defined as victims’ spouses, parents, and adult brothers, sisters, and children.
- DIGEST:** HB 309 would expand the definition of close relatives of deceased crime victims to be notified when offenders were considered for parole to include the nearest relative of the deceased victim by consanguinity, if the close relatives defined in current law were deceased or incapacitated due to physical or mental illness or infirmity.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS
SAY:**

HB 309 would help ensure participation in the parole process by close relatives of deceased crime victims. While current law allows relatives of deceased victims to be notified when an offender is considered for parole, the definition of who can be notified is too narrow. In some cases, the relatives defined in current law are deceased or incapacitated, and no provisions allow TDCJ to notify another relative. HB 309 would address this problem by providing for another close relative to receive notice if the spouse, parent, or adult sibling or child of a deceased victim could not.

The expanded definition of close relative in HB 309 would ensure fairness in the notification process. A deceased victim's advocate should not be excluded from the parole process or other notifications sent out by TDCJ just because the victim's closest relatives as defined under current law are deceased or incapacitated.

HB 309 would allow the expanded definition of close relatives allowed to receive notice to apply only if the closest relatives listed in current law were deceased or incapacitated. If the parents of a murder victim became incapacitated or died, an aunt or cousin of the victim might want to be notified. The brother of a deceased victim may be sick or incapacitated, and the victim's niece might want to participate in the process.

HB 309 could be implemented easily by TDCJ, which already has a computerized victims database for logging and identifying victims who must be notified during the parole process. TDCJ would not have to use resources to find or identify victims wishing to be notified because under current law that burden is on the person wishing to be notified. Relatives wishing to be notified must be listed on the victim impact statement or must have submitted a request to the agency.

**OPPONENTS
SAY:**

No apparent opposition.