

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 200
By: Parker (Whitmire)
Criminal Justice
5/9/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Criminal Justice (TDCJ) is statutorily required to give notices on the release of an inmate or parole of an inmate to certain necessary parties. Historically, TDCJ delivers this notice by way of United States postal mail. This bill grants TDCJ permissive authority to give required notice of inmate release or parole by e-mail or other electronic communication.

C.S.H.B. 200 amends current law relating to the notification of the release of certain inmates given to certain courts, law enforcement agencies, and the United States Social Security Administration.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 493.025, Government Code, as follows:

Sec. 493.025. NOTIFICATION OF COURT OF RELEASE. Requires The Texas Department of Criminal Justice (TDCJ), on release of an inmate who discharges the inmate's sentence or on release of an inmate on parole or to mandatory supervision, to promptly notify the clerk of the court in which the inmate was convicted of that fact. Requires that the notice be provided by e-mail or other electronic communication.

SECTION 2. Amends Chapter 493, Government Code, by adding Section 493.030, as follows:

Sec. 493.030. NOTICE TO SOCIAL SECURITY ADMINISTRATION. (a) Requires TDCJ to notify the United States Social Security Administration of the release or discharge of a prisoner who:

(1) immediately before the prisoner's confinement in a state correctional facility, was receiving Supplemental Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq., or Social Security Disability Insurance (SSDI) benefits under 42 U.S.C. Section 401 et seq.; and

(2) before the release or discharge, was confined in the facility for a period of less than 12 consecutive months.

(b) Requires TDCJ to provide the notice described by Subsection (a) to the United States Social Security Administration by mail and electronically immediately on the prisoner's release or discharge from custody. Requires TDCJ to provide a copy of the notice to the prisoner at the time of the prisoner's release or discharge.

SECTION 3. Amends Section 499.026(d), Government Code, to require that any notice required by this subsection be provided by e-mail or other electronic communication.

SECTION 4 Amends Section 499.051(a), Government Code, to require that the notice be provided by e-mail or other electronic communication.

SECTION 5. Amends Section 508.115, Government Code, by adding Subsection (e) to require that the notice be provided by e-mail or other electronic communication.

SECTION 6. Amends Section 508.181(g), Government Code, to require that the notice be provided by e-mail or other electronic communication.

SECTION 7. Amends Subchapter C, Chapter 351, Local Government Code, by adding Section 351.045, as follows:

Sec. 351.045. NOTICE TO SOCIAL SECURITY ADMINISTRATION. (a) Requires the sheriff of a county to notify the United States Social Security Administration of the release or discharge of a prisoner who:

(1) immediately before the prisoner's confinement in the county jail, was receiving Supplemental Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq., or Social Security Disability Insurance (SSDI) benefits under 42 U.S.C. Section 401 et seq., and;

(2) before the release or discharge, was confined in the facility for a period of less than 12 consecutive months.

(b) Requires the sheriff to provide the notice described by Subsection (a) to the United States Social Security Administration by mail and electronically immediately on the prisoner's release or discharge from custody. Requires the sheriff to provide a copy of the notice to the prisoner at the time of the prisoner's release or discharge.

(c) Provides that the county or sheriff, or an employee of the county or sheriff, is not liable in a civil action for damages resulting from a failure to comply with this section.

SECTION 8. Makes application of Section 493.030, Government Code, as added by this Act, and Section 351.045, Local Government Code, as added by this Act, prospective.

SECTION 9. Effective date: September 1, 2011.