

## **The House Committee on Criminal Jurisprudence**

82nd Legislature

April 12, 2011

10:30 a.m. or upon final adjourn./recess

JHR 120

### **CORRECTED MINUTES**

On April 20, 2011, the House Committee on Criminal Jurisprudence authorized the correction of the minutes for the meeting of the House Committee on Criminal Jurisprudence held on April 12, 2011. The following are the corrected minutes for that meeting:

Pursuant to a notice posted on April 7, 2011, revised on April 11, 2011 and a suspension of the 5-day posting rule on April 12, 2010 to consider HB 1529 and HB 3381 the committee on Criminal Jurisprudence met in a public hearing and was called to order by the chair, Representative Gallego, at 1:08 p.m.

The initial quorum call was answered as follows: Representatives Gallego; Aliseda; Burkett; Carter; Christian; Rodriguez, Eddie; and Zedler.

A quorum was present.

**House Committee on Criminal Jurisprudence**

4/12/2011

**HB 570**

The chair laid out HB 570.

The chair recognized Representative Dutton to explain HB 570.

The chair recognized Representative Dutton to close on HB 570.

HB 570 was left pending without objection.

**HB 2577**

The chair laid out HB 2577.

The chair recognized Representative Miller, Sid to explain HB 2577.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Miller, Sid to close on HB 2577.

HB 2577 was left pending without objection.

**HB 1529**

The chair laid out HB 1529.

The chair recognized Representative Miller, Sid to explain HB 1529.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Miller, Sid to close on HB 1529.

HB 1529 was left pending without objection.

**HB 3323**

The chair laid out HB 3323.

The chair recognized Representative McClendon to explain HB 3323.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative McClendon to close on HB 3323.

HB 3323 was left pending without objection.

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**HB 3304**

The chair laid out HB 3304.

The chair recognized Representative Marquez to explain HB 3304.

The chair recognized Representative Marquez to close on HB 3304.

HB 3304 was left pending without objection.

**HB 2847**

The chair laid out HB 2847.

The chair recognized Representative Madden to explain HB 2847.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Madden to close on HB 2847.

HB 2847 was left pending without objection.

**HB 2889**

The chair laid out HB 2889.

The chair recognized Representative Madden to explain HB 2889.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Madden to close on HB 2889.

HB 2889 was left pending without objection.

**HB 3384**

The chair laid out HB 3384.

The chair recognized Representative Madden to explain HB 3384.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Madden to close on HB 3384.

HB 3384 was left pending without objection.

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**HB 25 and HB 77**

The chair laid out HB 25 and HB 77.

The chair recognized Representative Guillen to explain HB 25.

The chair recognized Representative Flynn to explain HB 77.

Testimony taken/registration recorded on all measures. (See attached witness list.)

The chair recognized Representative Guillen to close on HB 25.

The chair recognized Representative Flynn to close on HB 77.

HB 25 and HB 77 were left pending without objection.

**HB 3474**

The chair laid out HB 3474.

The chair explained HB 3474.

Testimony taken/registration recorded. (See attached witness list.)

The chair closed on HB 3474.

HB 3474 was left pending without objection.

**HB 1065**

The chair laid out HB 1065.

The chair recognized Representative Riddle to explain HB 1065.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Riddle to close on HB 1065.

HB 1065 was left pending without objection.

**HB 2344**

The chair laid out HB 2344.

The chair recognized Representative Castro to explain HB 2344.

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Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Castro to close on HB 2344.

HB 2344 was left pending without objection.

**HB 1063**

The chair laid out HB 1063.

The chair recognized Representative Murphy to explain HB 1063.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Murphy to close on HB 1063.

HB 1063 was left pending without objection.

**HB 718**

The chair laid out HB 718.

(Representative Christian in chair.)

The chair recognized Representative Fletcher to explain HB 718.

The chair recognized Representative Fletcher to close on HB 718.

HB 718 was left pending without objection.

**HB 1686**

The chair laid out HB 1686.

The chair recognized Representative Fletcher to explain HB 1686.

Testimony taken/registration recorded. (See attached witness list.)

(Representative Davis, Yvonne now present.)

The chair recognized Representative Fletcher to close on HB 1686.

HB 1686 was left pending without objection.

**HB 3381**

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The chair laid out HB 3381.

The chair recognized Representative Fletcher to explain HB 3381.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Fletcher to close on HB 3381.

HB 3381 was left pending without objection.

### **HB 921**

The chair laid out HB 921.

The chair recognized Representative Lewis to explain HB 921.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Lewis to close on HB 921.

HB 921 was left pending without objection.

### **HB 1706**

The chair laid out HB 1706.

The chair recognized Representative Gutierrez to explain HB 1706.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Gutierrez to close on HB 1706.

The chair recognized Representative Gutierrez to close on HB 1706.

HB 1706 was left pending without objection.

### **HB 3029**

The chair laid out HB 3029.

The chair recognized Representative Smith, Wayne to explain HB 3029.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Smith, Wayne to close on HB 3029.

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HB 3029 was left pending without objection.

**HB 1471**

The chair laid out HB 1471.

The chair recognized Representative Miles to explain HB 1471.

The chair offered a complete committee substitute.

Testimony taken/registration recorded. (See attached witness list.)

(Representative Gallego in chair.)

The committee substitute was withdrawn without objection.

HB 1471 was left pending without objection.

**HB 2949**

The chair laid out HB 2949.

The chair recognized Representative Cook to explain HB 2949.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Cook to close on HB 2949.

HB 2949 was left pending without objection.

**HB 1471**

The chair laid out HB 1471 as pending business.

The chair offered a complete committee substitute.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Miles to close on HB 1471.

The committee substitute was withdrawn without objection.

HB 1471 was left pending without objection.

**HB 3351 and HB 3698**

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The chair laid out HB 3351 and HB 3698.

The chair recognized Representative Turner to explain HB 3351.

The chair explained HB 3698.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Turner to close on HB 3351.

HB 3351 and HB 3698 were left pending without objection.

**HB 2993**

The chair laid out HB 2993.

The chair recognized Representative Miles to explain HB 2993.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Miles to close on HB 2993.

HB 2993 was left pending without objection.

**HB 1919**

The chair laid out HB 1919.

The chair recognized Representative Price to explain HB 1919.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Price to close on HB 1919.

HB 1919 was left pending without objection.

**HB 3478**

The chair laid out HB 3478.

The chair explained HB 3478.

Testimony taken/registration recorded. (See attached witness list.)

The chair closed on HB 3478.



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HB 3478 was left pending without objection.

**HB 3473**

The chair laid out HB 3473.

The chair recognized Representative Gallego to explain HB 3473.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Gallego to close on HB 3473.

HB 3473 was left pending without objection.

**HB 3439**

The chair laid out HB 3439.

The chair explained HB 3439.

Testimony taken/registration recorded. (See attached witness list.)

The chair closed on HB 3439.

HB 3439 was left pending without objection.

**HB 152**

The chair laid out HB 152.

The chair explained HB 152.

Testimony taken/registration recorded. (See attached witness list.)

The chair closed on HB 152.

HB 152 was left pending without objection.

**HB 2858**

The chair laid out HB 2858.

The chair recognized Representative Gallego to explain HB 2858.

Testimony taken/registration recorded. (See attached witness list.)

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The chair recognized Representative Gallego to close on HB 2858.

HB 2858 was left pending without objection.

### **HB 783**

The chair laid out HB 783.

The chair recognized Representative Davis, Yvonne to explain HB 783.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Davis, Yvonne to close on HB 783.

HB 783 was left pending without objection.

### **HB 506, HB 928, and HB 982**

The chair laid out HB 506, HB 928, and HB 982.

The chair recognized Representative Callegari to explain HB 506.

The chair recognized Representative Harper-Brown to explain HB 928.

The chair recognized Representative Carter to explain HB 982.

Testimony taken/registration recorded on all measures. (See attached witness list.)

(Representative Hartnett now present.)

(Representative Hartnett in chair.)

The chair recognized Representative Callegari to close on HB 506 and HB 928.

The chair recognized Representative Carter to close on HB 982.

HB 506, HB 928, and HB 982 were left pending without objection.

### **HB 1406**

The chair laid out HB 1406.

The chair recognized Representative Riddle to explain HB 1406.

Testimony taken/registration recorded. (See attached witness list.)

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The chair recognized Representative Riddle to close on HB 1406.

HB 1406 was left pending without objection.

**HB 473**

The chair laid out HB 473.

The chair recognized Representative Smith, Todd to explain HB 473.

Testimony taken/registration recorded. (See attached witness list.)

(Representative Gallego in chair.)

(Representative Hartnett in chair.)

(Representative Gallego in chair.)

The chair recognized Representative Smith, Todd to close on HB 473.

HB 473 was left pending without objection.

**HB 1199**

The chair laid out HB 1199.

The chair explained HB 1199.

Testimony taken/registration recorded. (See attached witness list.)

The chair closed on HB 1199.

HB 1199 was left pending without objection.

**HB 933**

The chair laid out HB 933.

The chair recognized Representative Smith, Todd to explain HB 933.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Smith, Todd to close on HB 933.

HB 933 was left pending without objection.

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**HB 439**

The chair laid out HB 439.

The chair recognized Representative Smith, Todd to explain HB 439.

Testimony taken/registration recorded. (See attached witness list.)

HB 439 was left pending without objection.

**HB 36**

The chair laid out HB 36 as pending business.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Burkett moved that HB 36, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Gallego; Hartnett; Aliseda; Burkett; Carter; Christian; Davis, Yvonne; Zedler (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Rodriguez, Eddie (1).

**HB 38**

The chair laid out HB 38 as pending business.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Aliseda moved that HB 38, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Gallego; Hartnett; Aliseda; Burkett; Carter; Christian; Davis, Yvonne; Zedler (8).

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Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Rodriguez, Eddie (1).

**HB 696**

The chair laid out HB 696 as pending business.

Representative Davis, Yvonne moved that HB 696, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed and be sent to the Committee on Local and Consent Calendars. The motion prevailed by the following record vote:

Ayes: Representatives Gallego; Hartnett; Aliseda; Burkett; Carter; Christian; Davis, Yvonne; Zedler (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Rodriguez, Eddie (1).

**HB 1009**

The chair laid out HB 1009 as pending business.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Hartnett moved that HB 1009, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Gallego; Hartnett; Aliseda; Burkett; Carter; Christian; Davis, Yvonne; Zedler (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Rodriguez, Eddie (1).

**HB 1389**

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The chair laid out HB 1389 as pending business.

Representative Christian offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Christian moved that HB 1389, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Gallego; Hartnett; Aliseda; Burkett; Carter; Christian; Davis, Yvonne; Zedler (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Rodriguez, Eddie (1).

### **HB 1489**

The chair laid out HB 1489 as pending business.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Zedler moved that HB 1489, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed and be sent to the Committee on Local and Consent Calendars. The motion prevailed by the following record vote:

Ayes: Representatives Gallego; Hartnett; Aliseda; Burkett; Carter; Christian; Davis, Yvonne; Zedler (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Rodriguez, Eddie (1).

### **HB 1666**

The chair laid out HB 1666 as pending business.

The chair offered a complete committee substitute.

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The committee substitute was adopted without objection.

Representative Davis, Yvonne moved that HB 1666, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Gallego; Hartnett; Aliseda; Burkett; Carter; Christian; Davis, Yvonne; Zedler (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Rodriguez, Eddie (1).

### **HB 1937**

The chair laid out HB 1937 as pending business.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Carter moved that HB 1937, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Gallego; Hartnett; Aliseda; Burkett; Carter; Christian; Davis, Yvonne; Zedler (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Rodriguez, Eddie (1).

### **HB 2337**

The chair laid out HB 2337 as pending business.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

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Representative Aliseda moved that HB 2337, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed and be sent to the Committee on Local and Consent Calendars. The motion prevailed by the following record vote:

Ayes: Representatives Gallego; Hartnett; Aliseda; Burkett; Carter; Christian; Davis, Yvonne; Zedler (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Rodriguez, Eddie (1).

### **HB 922**

The chair laid out HB 922 as pending business.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Davis, Yvonne moved that HB 922, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Gallego; Hartnett; Aliseda; Burkett; Carter; Christian; Davis, Yvonne; Zedler (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Rodriguez, Eddie (1).

### **HB 1070**

The chair laid out HB 1070 as pending business.

Representative Hartnett moved that HB 1070, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed and be sent to the Committee on Local and Consent Calendars. The motion prevailed by the following record vote:

Ayes: Representatives Gallego; Hartnett; Aliseda; Burkett; Carter; Christian; Davis, Yvonne; Zedler (8).

Nays: None (0).



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Present, Not Voting: None (0).

Absent: Representative Rodriguez, Eddie (1).

**HB 439**

The chair laid out HB 439 as pending business.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Smith, Todd to close on HB 439.

HB 439 was left pending without objection.

**HB 3047**

The chair laid out HB 3047.

The chair explained HB 3047.

The chair closed on HB 3047.

HB 3047 was left pending without objection.

**HB 3477**

The chair laid out HB 3477.

The chair recognized Representative Carter to explain HB 3477.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Carter to close on HB 3477.

HB 3477 was left pending without objection.

At 1:47 a.m., on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.

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Rep. Gallego, Chair

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Michael Pacheco, Clerk