

## **MINUTES**

### **SENATE COMMITTEE ON CRIMINAL JUSTICE**

Tuesday, March 1, 2011  
1:30 PM  
Capitol Extension, Room E1.016

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Pursuant to a notice posted in accordance with Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on Criminal Justice was held on Tuesday, March 1, 2011, in the Capitol Extension, Room E1.016, at Austin, Texas.

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#### **MEMBERS PRESENT:**

Senator John Whitmire, Chair  
Senator Joan Huffman, Vice Chair  
Senator John Carona  
Senator Rodney Ellis  
Senator Glenn Hegar  
Senator Juan Hinojosa  
Senator Dan Patrick

#### **MEMBERS ABSENT:**

None

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The chair called the meeting to order at 1:43 PM. There being a quorum present, the following business was transacted:

The following members arrived after the roll was called:

Senator Joan Huffman  
Senator John Carona  
Senator Dan Patrick

Senator Hinojosa moved adoption of the committee rules and Senator Hegar seconded the motion. The motion carried by 4 ayes, 0 nays, 0 present not voting and 3 absent.

Dr. Tony Fabelo with the Justice Center provided invited testimony on Texas Justice Reinvestment.

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The chair laid out SB 321 and recognized the author, Senator Hegar, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 321 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 244 and recognized Senator Hinojosa, in the absence of the author, to explain the bill.

Witnesses registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 244 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 121 and recognized the author, Senator Ellis, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Whitmire moved that SB 121 be left pending to await a quorum; without objection, it was so ordered.

At 3:35 PM Senator Huffman assumed the chair.

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The chair laid out SB 316 and recognized the author, Senator Whitmire, to explain the bill.

Witnesses registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

At 3:52 PM Senator Whitmire resumed the chair.

Upon arrival of a quorum, Senator Hinojosa moved that SB 244 be reported to the senate with a recommendation that it do pass and be printed. Senator Carona submitted a motion in writing requesting unanimous consent to be shown voting aye on SB 244. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

Senator Patrick moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Upon arrival of a quorum, Senator Patrick moved that SB 321 be reported to the senate with a recommendation that it do pass and be printed. Senator Whitmire sent up Committee Amendment 1 and Senator Hegar explained the amendment.

Senator Hegar requested unanimous consent to incorporate the amendment into a committee substitute; without objection, it was so ordered. Senator Hegar moved that SB 321 do not pass but that CSSB 321 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Carona submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 321. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

Upon arrival of a quorum, Senator Hinojosa moved that SB 316 be sent to the senate with a recommendation that it do pass and be printed. Senator Carona submitted a motion in writing requesting unanimous consent to be shown voting aye on SB 316. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

Senator Hinojosa moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

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Upon arrival of a quorum, the chair laid out SB 121. Senator Huffman sent up Committee Amendment 1 and moved adoption. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent.

Senator Ellis sent up a committee substitute; the chair recognized Senator Ellis to explain the difference between the committee substitute and the senate bill as filed. Senator Hinojosa moved adoption of the committee substitute; there being no objection it was so ordered.

Senator Ellis requested unanimous consent to incorporate the amendment into the committee substitute; without objection, it was so ordered. Senator Whitmire then moved that the new committee substitute be adopted; without objection, it was so ordered. Senator Hinojosa moved that SB 121 do not pass but that CSSB 121 be reported back to the Senate with the recommendation that it do pass and be printed. Senator Carona submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 121. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent.

There being no further business, at 4:00 PM Senator Whitmire moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

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Senator John Whitmire, Chair

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Michaela Bernacchio, Clerk