

CHAPTER 441

H.B. No. 56

AN ACT

relating to the use of victim testimony and police records of arrest at parole hearings.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 15(f)(2), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(2) Before considering for parole a prisoner who is serving a sentence for an offense in which a person was a victim, the Board, using the name and address provided on the victim impact statement, shall make a reasonable effort to notify a victim of the prisoner's crime or if the victim has a legal guardian or is deceased, to notify the legal guardian or close relative of the deceased victim. If the notice is sent to a guardian or close relative of a deceased victim, the notice must contain a request by the Board that the guardian or relative inform other persons having an interest in the matter that the prisoner is being considered for parole. If a hearing is held, the Board shall allow a victim, guardian of a victim, close relative of a deceased victim, or a representative of a victim or his guardian or close relative to *appear in person* or provide a written statement. This subsection may not be construed to limit the number of persons who may *appear* or provide statements for or against the release of the prisoner on parole. The Board shall consider the *testimony*, statements, and the information provided in a victim impact statement in determining whether or not to recommend parole. However, the failure of the Board to comply with notice requirements of this subsection is not a ground for revocation of parole.

SECTION 2. Section 20, Article 42.18, Code of Criminal Procedure, as added by Chapter 427, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 20. All information obtained in connection with inmates of the Texas Department of Corrections subject to parole, release to mandatory supervision, or executive clemency, or individuals who may be on mandatory supervision or parole and under the supervision of the division, or persons directly identified in any proposed plan of release for a prisoner, *including victim impact statements and inmates' arrest records*, shall be confidential and privileged information and shall not be subject to public inspection; provided, however, that all such information shall be available to the governor and the board upon request. It is further provided that statistical and general information respecting the parole and mandatory supervision program and system, including the names of paroled prisoners, prisoners released to mandatory supervision, and data recorded in connection with parole and mandatory supervision services, shall be subject to public inspection at any reasonable time.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

70th LEGISLATURE—REGULAR SESSION

Passed by the House on April 14, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 56 on May 29, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 26, 1987, by a viva-voce vote.

Approved June 17, 1987.

Effective Sept. 1, 1987.