

By: Sherman, Sr.

H.B. No. 5114

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the award of work-for-time credits to certain persons
3 placed on community supervision or released on parole or to
4 mandatory supervision.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. This Act may be cited as the Earning Safe Reentry
7 Through Work Act.

8 SECTION 2. Subchapter O, Chapter 42A, Code of Criminal
9 Procedure, is amended by adding Articles 42A.703 and 42A.704 to
10 read as follows:

11 Art. 42A.703. WORK-FOR-TIME CREDIT. (a) In this article:

12 (1) "Business day" means a day other than Saturday,
13 Sunday, or a state or federal holiday.

14 (2) "Division" means the community justice assistance
15 division of the Texas Department of Criminal Justice.

16 (3) "Supporting documentation" means documentation
17 verifying a defendant's employment, including an employment
18 record, letter, or contract or pay stubs.

19 (b) Except as provided by Subsection (c), a defendant placed
20 on community supervision is entitled to receive time credits toward
21 the completion of the defendant's period of community supervision
22 in an amount equal to five days for each 30-day period in which the
23 defendant was employed not less than 130 hours, as verified under
24 Subsection (e).

1 (c) A defendant may not receive time credits under this
2 article during the 60-day period preceding the expiration of the
3 defendant's period of community supervision, taking into account
4 any time credits to which the defendant is entitled under this
5 article and Article 42A.702.

6 (d) A defendant shall, for each 30-day period described by
7 Subsection (b), submit to the defendant's supervision officer
8 supporting documentation not later than the fifth business day
9 after the expiration of the 30-day period.

10 (e) A supervision officer to whom supporting documentation
11 is submitted under Subsection (d) shall:

12 (1) verify the defendant was employed not less than
13 130 hours during the 30-day period; and

14 (2) enter the supporting documentation and record the
15 time credits received in the system developed under Subsection (g)
16 not later than the fifth business day after receiving the
17 supporting documentation.

18 (f) If a supervision officer is not able to verify the
19 defendant's employment according to the received supporting
20 documentation, the officer shall:

21 (1) deny the time credits; and
22 (2) record the denial in the system developed under
23 Subsection (g).

24 (g) The division shall:

25 (1) establish a system to record and track time
26 credits received or denied under this article; and

27 (2) require each community supervision and

1 corrections department established under Chapter 76, Government
2 Code, to use the system.

3 (h) The court that convicted the defendant shall order that
4 all of the time credits to which the defendant is entitled under
5 this article be forfeited if, before the expiration of the period of
6 community supervision:

7 (1) the court revokes the defendant's community
8 supervision; or

9 (2) the defendant is convicted of a new offense, other
10 than a traffic offense that is punishable by fine only.

11 (i) Not later than the 60th day before the expiration of the
12 defendant's period of community supervision, taking into account
13 any time credits to which the defendant is entitled under this
14 article and Article 42A.702, the defendant's supervision officer
15 shall notify the court that convicted the defendant of the time
16 credits received by the defendant under this article.

17 Art. 42A.704. NOTIFICATION TO COURT OF TIME CREDITS. A
18 defendant's supervision officer shall notify the court if the time
19 credits to which the defendant is entitled under Articles 42A.702
20 and 42A.703, cumulated with the amount of the original community
21 supervision period the defendant has completed, allow or require
22 the court to conduct a review of the defendant's community
23 supervision under Article 42A.701. On receipt of the notice from
24 the supervision officer, the court shall conduct the review of the
25 defendant's community supervision to determine if the defendant is
26 eligible for a reduction or termination of community supervision
27 under Article 42A.701, taking into account any time credits to

1 which the defendant is entitled under Articles 42A.702 and 42A.703
2 in determining if the defendant has completed, as applicable:

3 (1) the lesser of one-third of the original community
4 supervision period or two years of community supervision; or

5 (2) the greater of one-half of the original community
6 supervision period or two years of community supervision.

7 SECTION 3. Subchapter E, Chapter 508, Government Code, is
8 amended by adding Section 508.1559 to read as follows:

9 Sec. 508.1559. WORK-FOR-TIME CREDIT. (a) In this section:

10 (1) "Business day" means a day other than Saturday,
11 Sunday, or a state or federal holiday.

12 (2) "Supporting documentation" means documentation
13 verifying a releasee's employment, including an employment record,
14 letter, or contract or pay stubs.

15 (b) Except as provided by Subsection (c), a releasee is
16 entitled to receive time credits toward the completion of the
17 releasee's period of parole or mandatory supervision in an amount
18 equal to five days for each 30-day period in which the releasee was
19 employed not less than 130 hours, as verified under Subsection (e).

20 (c) A releasee may not receive time credits under this
21 section during the 60-day period preceding the expiration of the
22 releasee's period of parole or mandatory supervision, taking into
23 account any time credits to which the releasee is entitled under
24 this section.

25 (d) A releasee shall, for each 30-day period described by
26 Subsection (b), submit to the releasee's parole officer supporting
27 documentation not later than the fifth business day after the

1 expiration of the 30-day period.

2 (e) A parole officer to whom supporting documentation is
3 submitted under Subsection (d) shall:

4 (1) verify the releasee was employed not less than 130
5 hours during the 30-day period; and

6 (2) enter the supporting documentation and record the
7 time credits received in the system developed under Subsection (g)
8 not later than the fifth business day after receiving the
9 supporting documentation.

10 (f) If a parole officer is not able to verify the releasee's
11 employment according to the received supporting documentation, the
12 officer shall:

13 (1) deny the time credits; and

14 (2) record the denial in the system developed under
15 Subsection (g).

16 (g) The division shall:

17 (1) establish a system to record and track time
18 credits received or denied under this section; and

19 (2) require each parole officer to use the system.

20 (h) If a releasee's parole or mandatory supervision is
21 revoked, all of the time credits to which the releasee is entitled
22 under this section are forfeited and may not be credited toward the
23 remaining portion of the releasee's sentence.

24 SECTION 4. Article [42A.702\(f\)](#), Code of Criminal Procedure,
25 is repealed.

26 SECTION 5. Not later than January 1, 2024:

27 (1) the community justice assistance division of the

1 Texas Department of Criminal Justice shall establish the system to
2 record and track time credits required under Article 42A.703, Code
3 of Criminal Procedure, as added by this Act; and

4 (2) the pardons and paroles division of the Texas
5 Department of Criminal Justice shall establish the system to record
6 and track time credits required under Section 508.1559, Government
7 Code, as added by this Act.

8 SECTION 6. The change in law made by this Act applies only
9 to a person who is placed on community supervision or released on
10 parole or to mandatory supervision for an offense committed on or
11 after the effective date of this Act. A person who is placed on
12 community supervision or released on parole or to mandatory
13 supervision for an offense committed before the effective date of
14 this Act is governed by the law in effect on the date the offense was
15 committed, and the former law is continued in effect for that
16 purpose. For purposes of this section, an offense was committed
17 before the effective date of this Act if any element of the offense
18 occurred before that date.

19 SECTION 7. This Act takes effect September 1, 2023.