

BILL ANALYSIS

C.S.H.B. 1670
By: Allen
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

House Bill 772 from the 77th Legislature authorized the release of geriatric, chronically ill, terminally ill, and other inmates needing long-term care into a Medically Recommended Intensive Supervision (MRIS) program where federal funds could be used to defray some of their expenses.

According to an in-depth analysis of Texas prison populations by the Criminal Justice Policy Council published in February 2003, as of August 31, 2002, there were 6,361 offenders confined in TDCJ who are 55 years of age and older. Of that population, 1,104 offenders were between the ages of 65 and 74, and 144 offenders were age 75 and older. Of the entire elderly population, 2,494 were convicted under Article 42.12, Section 3g, Code of Criminal Procedure (e.g., are “aggravated”) and are therefore not eligible under current law for the MRIS program. As a general rule, the health care costs of an elderly inmate are approximately three times that of an average offender, costing the state \$18-20 per day, on top of the basic costs of incarceration. Further, there were only 245 MRIS parole considerations in FY 2002, and 69 of these were age 55 and older.

CSHB 1670 will help alleviate the financial burden that geriatric and chronically ill inmates place on our criminal justice system by increasing MRIS parole considerations.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 1670 amends Section 508.146 of the Government Code to allow all inmates, other than those serving a sentence of death or those required to register as a sex offender under Chapter 62, Code of Criminal Procedure, to be considered for Medically Recommended Intensive Supervision (MRIS) at any time during his or her incarceration. CSHB 1670 requires the parole panels who may make determinations regarding the release of inmates on MRIS to be comprised of the presiding officer and two members appointed by the presiding officer. The bill also states that if the Texas Council on Offenders with Mental Impairments (TCOMI) identifies candidates for release under MRIS, TCOMI is required make presentations to a parole panel of relevant information concerning the inmate and the inmate’s potential for release under this section.

In addition, the bill repeals Section 2, Chapter 1435, Acts of the 77th Legislature, Regular Session, 2001, which directed the efficient utilization of the facility currently designated for MRIS releases.

The change in law made by this Act applies to an inmate who on or after the effective date of this Act is serving a sentence in the institutional division of TDCJ and who is described by Section 508.146 (a)(1), Government Code, regardless of whether the sentence is for an offense committed before, on, or after the effective date of this Act.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by adding inmates who are serving a sentence of death to the inmates who are ineligible for MRIS consideration

The substitute further modifies the original by, in 508.146 (e), Government Code, allowing multiple parole panels, instead of a single panel, to consider MRIS cases. The substitute also removes the provision that TCOMI's presentation of information regarding MRIS considerations be made in person to the entire parole panel.