

## **BILL ANALYSIS**

C.S.H.B. 1715  
By: Hodge  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, the Board of Pardons and Paroles sets a date for parole consideration within three years of a vote to deny parole, regardless of the likelihood that an offender will be granted parole. The Board is also limited to three sanctions it can impose upon a parolee who violates a condition of release: returning to supervision, revocation, or spending up to six months in a sanctions facility. Finally, the Board cannot terminate supervision for parolees, despite clear indications that they no longer pose a threat to public safety.

C.S.H.B. 1715 aims to provide the Board with additional tools to continue addressing public safety needs while responding to decreased budgets and increased prison capacity projections.

### **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**

SECTION 1. Adds Subsection (g) to Section 508.141, Government Code as follows:

- (g) Requires the policy board of the Board of Pardons and Paroles to adopt a policy establishing the date on which the board may reconsider parole of an inmate described by Section 508.149 of the Government Code. Specifies that the policy must require that at the time parole is denied, the board must designate a month when the inmate can be reconsidered. Further specifies that the designated month must begin after the first anniversary of the date of denial and end before the fifth anniversary of the date of denial.

SECTION 2. Adds Section 508.1451 to Subchapter E, Chapter 508, Government Code as follows:

Sec. 508.1451. RELEASE FOLLOWING REVOCATION.

- (a) Defines "technical violation" for this section as a violation of a condition of release that does not involve an arrest, criminal charge or conviction of an offense, other than a Class C misdemeanor.
- (b) Specifies that, except as provided in Subsection (d), a parole panel shall establish a release date between 180 days and two years after the date a releasee is returned to prison following revocation of parole or mandatory supervision for a technical violation.
- (c) Specifies that an inmate released under this section is subject to the same conditions of release as inmates released under Section 508.145, Government Code.
- (d) Prohibits the release of inmates under this section who are serving a sentence for an offense listed under 508.149(a) [violent offenders].

SECTION 3. Amends Section 508.155, Government Code, as follows:

Section 508.155 adds early termination procedures for parole and mandatory supervision.

- (a) Specifies that, other than a releasee granted early termination of supervision, a releasee must serve the entire parole period or a period of mandatory supervision.
- (c) Allows the division to recommend to the parole panel a releasee for early termination of supervision. Specifies that the releasee must have been under supervision for five years or have served two-thirds of the releasee's sentence before the releasee can be considered for early termination. Requires the parole panel to review the recommendation and allows the parole panel to order or deny early termination.
- (d) Specifies that a releasee granted early termination under Subsection (c) has the same status as a releasee who completes a parole period or period of mandatory supervision.

- SECTION 4. (a) Specifies that the policy board of the Board of Pardons and Paroles shall adopt the reconsideration policy required by Section 508.141(g), Government Code, as added by this Act, not later than January 1, 2004.
- (b) Specifies that Section 508.1451, Government Code, as added by this Act, applies only to a releasee who is charged with violation of release on or after the effective date of this Act. Continues the law in effect at the time of a violation for releasees who are charged with a violation before the effective date of this Act.
  - (c) Specifies that the change in law made by this Act to Section 508.155, Government Code, applies to a releasee on parole or mandatory supervision on or after the effective date of this Act, regardless of whether the releasee was released before, on or after the effective date of this Act.

SECTION 5. Effective date.

**EFFECTIVE DATE**

September 1, 2003

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 1715 removes provisions in the original bill to require the Board to employ administrative officers, to determine the composition of certain parole panels, to require the average time of imprisonment served to be a factor in parole guidelines, to specify the use of summons instead of warrants, and to repeal a requirement on county of origin. C.S.H.B. 1715 adds provisions to specify the date of a subsequent parole hearing and the procedures for release following revocation.