

By: Hodge

H.B. No. 29

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the reliability of statements used at certain hearings
3 regarding violations of a person's release on parole, mandatory
4 supervision, or conditional pardon.

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

6 SECTION 1. Section 508.281, Government Code, is amended by
7 adding Subsection (c) to read as follows:

8 (c) In determining the existence of a violation of the
9 releasee's parole or mandatory supervision or the person's
10 conditional pardon, a parole panel or designated agent of the board
11 conducting a hearing under this section may consider an accusation
12 of the violation only if the accusation is included in an affidavit
13 or is otherwise made under oath.

14 SECTION 2. Section 508.2811, Government Code, is amended to
15 read as follows:

16 Sec. 508.2811. PRELIMINARY HEARING. (a) A parole panel or
17 a designee of the board shall provide within a reasonable time to an
18 inmate or person described by Section 508.281(a) a preliminary
19 hearing to determine whether probable cause or reasonable grounds
20 exist to believe that the inmate or person has committed an act that
21 would constitute a violation of a condition of release, unless the
22 inmate or person:

23 (1) waives the preliminary hearing; or

24 (2) after release:

1 (A) has been charged only with an administrative
2 violation of a condition of release; or

3 (B) has been adjudicated guilty of or has pleaded
4 guilty or nolo contendere to an offense committed after release,
5 other than an offense punishable by fine only involving the
6 operation of a motor vehicle, regardless of whether the court has
7 deferred disposition of the case, imposed a sentence in the case, or
8 placed the inmate or person on community supervision.

9 (b) In determining whether probable cause or reasonable
10 grounds exist to believe that an inmate or person has committed an
11 act constituting a violation of a condition of release, a parole
12 panel or designated agent of the board conducting a preliminary
13 hearing under this section may consider an accusation of the act
14 only if the accusation is included in an affidavit or is otherwise
15 made under oath.

16 SECTION 3. This Act takes effect September 1, 2003.