

By: Hodge

H.B. No. 1474

A BILL TO BE ENTITLED

AN ACT

relating to awards of administrative good conduct time and the advancement of parole eligibility dates for certain inmates of the Texas Department of Criminal Justice.

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

SECTION 1. Sections 499.022(a) and (c), Government Code, are amended to read as follows:

(a) The purpose of this subchapter is to:

(1) allow the institutional division the flexibility to house inmates in appropriate settings and determine the proper amount of available housing; and

(2) provide the executive branch with alternatives to appropriately balance population, consistent with the intent of this subchapter, if the population of the division reaches 90 [~~95~~] percent of capacity or if a backlog of convicted felons exists in the county jails in this state, as determined by this subchapter.

(c) This subchapter does not:

(1) create a right on the part of an inmate confined in the institutional division to serve the inmate's sentence in a department with a population below 90 [~~95~~] percent of capacity, as determined by this subchapter;

(2) grant to an inmate the right to be released or to be considered for release if the inmate population of the division reaches 90 [~~95~~] percent of capacity as determined under this

subchapter;

(3) require a population level below 90 [~~95~~] percent of capacity as determined by this subchapter; or

(4) require the board or the Board of Pardons and Paroles to take an action under this subchapter because a backlog of convicted felons exists in the county jails in this state.

SECTION 2. Sections 499.025(a) and (b), Government Code, are amended to read as follows:

(a) If the inmate population of the institutional division reaches 89 [~~99~~] percent or more of capacity, the director shall immediately notify the executive director and the board in writing of that fact. Until the inmate population is reduced to less than 89 [~~99~~] percent of capacity, the director shall make a weekly written report to the executive director and the board stating the extent to which the inmate population is less than, equal to, or in excess of capacity.

(b) If the inmate population of the institutional division reaches 90 [~~100~~] percent of capacity or, if the attorney general has authorized an increase in the permissible percentage of capacity under Section 499.109, the inmate population reaches that increased permissible percentage, the director shall immediately notify the executive director, the board, and the attorney general in writing of that fact. The attorney general shall certify to the board in writing as to whether the institutional division has reached 90 [~~100~~] percent of capacity or, if applicable, the increased permissible percentage. If the attorney general certifies that 90 [~~100~~] percent of capacity has been reached or, if applicable, that

1 the increased permissible percentage has been reached, the board  
2 shall immediately certify that an emergency overcrowding situation  
3 exists and direct the Board of Pardons and Paroles to proceed in the  
4 manner described by Subsection (c). If the Commission on Jail  
5 Standards determines that in any county jail in this state there  
6 exists an inmate awaiting transfer to the institutional division  
7 following conviction of a felony or revocation of community  
8 supervision [~~probation~~], parole, or release on mandatory  
9 supervision and for whom all paperwork and processing required for  
10 transfer have been completed for not less than 45 days, the board  
11 may direct the Board of Pardons and Paroles to proceed in the manner  
12 described by Subsection (c).

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