

By: Allen

H.B. No. 1670

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to medically recommended intensive supervision of certain  
3 inmates of the Texas Department of Criminal Justice.

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

5 SECTION 1. Section 508.146, Government Code, is amended by  
6 amending Subsections (a) and (c) and adding Subsection (e) to read  
7 as follows:

8 (a) An inmate, other than an inmate who is serving a  
9 sentence of death or an inmate who has a reportable conviction or  
10 adjudication under Chapter 62, Code of Criminal Procedure,  
11 ~~[serving a sentence for which parole eligibility is otherwise~~  
12 ~~determined under Section 508.145(f)]~~ may be released ~~[become~~  
13 ~~eligible for release]~~ on medically recommended intensive  
14 supervision on a date designated by a parole panel described by  
15 Subsection (e) ~~[that is earlier than the date computed under that~~  
16 ~~section]~~ if:

17 (1) the Texas Council on Offenders with Mental  
18 Impairments, in cooperation with the Correctional Managed Health  
19 Care Committee, identifies the inmate as being elderly, physically  
20 handicapped, mentally ill, terminally ill, mentally retarded, or  
21 having a condition requiring long-term care;

22 (2) the parole panel determines that, based on the  
23 inmate's condition and a medical evaluation, the inmate does not  
24 constitute a threat to public safety; and

1           (3) the Texas Council on Offenders with Mental  
2 Impairments, in cooperation with the pardons and paroles division,  
3 has prepared for the inmate a medically recommended intensive  
4 supervision plan that requires the inmate to submit to electronic  
5 monitoring, places the inmate on super-intensive supervision, or  
6 otherwise ensures appropriate supervision of the inmate.

7           (c) The [~~A~~] parole panel shall require as a condition of  
8 release under this section that the releasee remain under the care  
9 of a physician and in a medically suitable placement. At least once  
10 each calendar quarter, the Texas Council on Offenders with Mental  
11 Impairments shall report to the parole panel [~~board~~] on the  
12 releasee's medical and placement status. On the basis of the  
13 report, the [~~a~~] parole panel may modify conditions of release and  
14 impose any condition on the releasee that a [~~the~~] panel could impose  
15 on a releasee released under Section 508.145, including a condition  
16 that the releasee reside in a halfway house or community  
17 residential facility.

18           (e) Only parole panels composed of the presiding officer of  
19 the board and two members appointed to the panel by the presiding  
20 officer may make determinations regarding the release of inmates on  
21 medically recommended intensive supervision under this section. If  
22 the Texas Council on Offenders with Mental Impairments identifies  
23 an inmate as a candidate for release under the guidelines  
24 established by Subsection (a)(1), the council shall present to a  
25 parole panel described by this subsection relevant information  
26 concerning the inmate and the inmate's potential for release under  
27 this section.

1           SECTION 2. Section 2, Chapter 1435, Acts of the 77th  
2 Legislature, Regular Session, 2001, is repealed.

3           SECTION 3. The change in law made by this Act applies to an  
4 inmate who on or after the effective date of this Act is serving a  
5 sentence in the institutional division of the Texas Department of  
6 Criminal Justice and who is described by Section 508.146(a)(1),  
7 Government Code, regardless of whether the sentence is for an  
8 offense committed before, on, or after the effective date of this  
9 Act.

10          SECTION 4. This Act takes effect September 1, 2003.