

AN ACT

relating to medically recommended intensive supervision of certain inmates of the Texas Department of Criminal Justice and to the release pending deportation of certain inmates of the department.

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

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

(a) An inmate, other than an inmate who is serving a sentence of death or an inmate who has a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, [serving a sentence for which parole eligibility is otherwise determined under Section 508.145(f)] may be released [become eligible for release] on medically recommended intensive supervision on a date designated by a parole panel described by Subsection (e), except that an inmate with an instant offense that is an offense described in Section 3g, Article 42.12, Code of Criminal Procedure, may only be considered if a medical condition of terminal illness or long-term care has been diagnosed, [that is earlier than the date computed under that section] if:

(1) the Texas Council on Offenders with Mental Impairments, in cooperation with the Correctional Managed Health Care Committee, identifies the inmate as being elderly, physically handicapped, mentally ill, terminally ill, mentally retarded, or

1 having a condition requiring long-term care;

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

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

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

22 (e) Only parole panels composed of the presiding officer of
23 the board and two members appointed to the panel by the presiding
24 officer may make determinations regarding the release of inmates on
25 medically recommended intensive supervision under Subsection (a)
26 or of inmates released pending deportation. If the Texas Council on
27 Offenders with Mental Impairments identifies an inmate as a

1 candidate for release under the guidelines established by
2 Subsection (a)(1), the council shall present to a parole panel
3 described by this subsection relevant information concerning the
4 inmate and the inmate's potential for release under this section.

5 (f) An inmate who is not a citizen of the United States, as
6 defined by federal law, who is not under a sentence of death, and
7 who does not have a reportable conviction or adjudication under
8 Chapter 62, Code of Criminal Procedure, or an instant offense
9 described in Section 3g, Article 42.12, Code of Criminal Procedure,
10 may be released to immigration authorities pending deportation on a
11 date designated by a parole panel described by Subsection (e) if the
12 parole panel determines that on release the inmate would be
13 deported to another country and that the inmate does not constitute
14 a threat to public safety in the other country or this country and
15 is unlikely to reenter this country illegally.

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

18 SECTION 3. The change in law made by this Act applies to an
19 inmate who on or after the effective date of this Act is serving a
20 sentence in the institutional division of the Texas Department of
21 Criminal Justice and who is described by Section 508.146(a)(1),
22 Government Code, or Section 508.146(f), Government Code, as added
23 by this Act, regardless of whether the sentence is for an offense
24 committed before, on, or after the effective date of this Act.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 1670 was passed by the House on April 30, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1670 on May 28, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1670 was passed by the Senate, with amendments, on May 26, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor