

By: Allen

H.B. No. 1670

Substitute the following for H.B. No. 1670:

By: Mabry

C.S.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 under Chapter 62, Code of
10 Criminal Procedure, on release from the institutional division is
11 required to register as a sex offender [~~serving a sentence for which~~
12 ~~parole eligibility is otherwise determined under Section~~
13 ~~508.145(f)] may become eligible for release on medically
14 recommended intensive supervision on a date designated by the [~~a~~]
15 parole panel described by Subsection (e) [~~that is earlier than the~~
16 ~~date computed under that 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.