

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

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

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

24 (3) the Texas Council on Offenders with Mental

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

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

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

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.