

1-1 By: Allen (Senate Sponsor - Whitmire) H.B. No. 1670
1-2 (In the Senate - Received from the House May 1, 2003;
1-3 May 6, 2003, read first time and referred to Committee on Criminal
1-4 Justice; May 21, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 21, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1670 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to medically recommended intensive supervision of certain
1-11 inmates of the Texas Department of Criminal Justice and to the
1-12 release pending deportation of certain inmates of the department.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 508.146, Government Code, is amended by
1-15 amending Subsections (a) and (c) and adding Subsections (e) and (f)
1-16 to read as follows:

1-17 (a) An inmate, other than an inmate who is serving a
1-18 sentence of death or an inmate who has a reportable conviction or
1-19 adjudication under Chapter 62, Code of Criminal Procedure, [serving
1-20 a sentence for which parole eligibility is otherwise determined
1-21 under Section 508.145(f)] may be released [become eligible for
1-22 release] on medically recommended intensive supervision on a date
1-23 designated by a parole panel described by Subsection (e), except
1-24 that an inmate with an instant offense that is an offense described
1-25 in Section 3g, Article 42.12, Code of Criminal Procedure, may only
1-26 be considered if a medical condition of terminal illness or
1-27 long-term care has been diagnosed, [that is earlier than the date
1-28 computed under that section] if:

1-29 (1) the Texas Council on Offenders with Mental
1-30 Impairments, in cooperation with the Correctional Managed Health
1-31 Care Committee, identifies the inmate as being elderly, physically
1-32 handicapped, mentally ill, terminally ill, mentally retarded, or
1-33 having a condition requiring long-term care;

1-34 (2) the parole panel determines that, based on the
1-35 inmate's condition and a medical evaluation, the inmate does not
1-36 constitute a threat to public safety; and

1-37 (3) the Texas Council on Offenders with Mental
1-38 Impairments, in cooperation with the pardons and paroles division,
1-39 has prepared for the inmate a medically recommended intensive
1-40 supervision plan that requires the inmate to submit to electronic
1-41 monitoring, places the inmate on super-intensive supervision, or
1-42 otherwise ensures appropriate supervision of the inmate.

1-43 (c) The [A] parole panel shall require as a condition of
1-44 release under Subsection (a) [this section] that the releasee
1-45 remain under the care of a physician and in a medically suitable
1-46 placement. At least once each calendar quarter, the Texas Council
1-47 on Offenders with Mental Impairments shall report to the parole
1-48 panel [board] on the releasee's medical and placement status. On
1-49 the basis of the report, the [a] a parole panel may modify
1-50 conditions of release and impose any condition on the releasee that
1-51 a [the] panel could impose on a releasee released under Section
1-52 508.145, including a condition that the releasee reside in a
1-53 halfway house or community residential facility.

1-54 (e) Only parole panels composed of the presiding officer of
1-55 the board and two members appointed to the panel by the presiding
1-56 officer may make determinations regarding the release of inmates on
1-57 medically recommended intensive supervision under Subsection (a)
1-58 or of inmates released pending deportation. If the Texas Council on
1-59 Offenders with Mental Impairments identifies an inmate as a
1-60 candidate for release under the guidelines established by
1-61 Subsection (a)(1), the council shall present to a parole panel
1-62 described by this subsection relevant information concerning the
1-63 inmate and the inmate's potential for release under this section.

2-1 (f) An inmate who is not a citizen of the United States, as
2-2 defined by federal law, who is not under a sentence of death, and
2-3 who does not have a reportable conviction or adjudication under
2-4 Chapter 62, Code of Criminal Procedure, or an instant offense
2-5 described in Section 3g, Article 42.12, Code of Criminal Procedure,
2-6 may be released to immigration authorities pending deportation on a
2-7 date designated by a parole panel described by Subsection (e) if the
2-8 parole panel determines that on release the inmate would be
2-9 deported to another country and that the inmate does not constitute
2-10 a threat to public safety in the other country or this country and
2-11 is unlikely to reenter this country illegally.

2-12 SECTION 2. Section 2, Chapter 1435, Acts of the 77th
2-13 Legislature, Regular Session, 2001, is repealed.

2-14 SECTION 3. The change in law made by this Act applies to an
2-15 inmate who on or after the effective date of this Act is serving a
2-16 sentence in the institutional division of the Texas Department of
2-17 Criminal Justice and who is described by Section 508.146(a) (1),
2-18 Government Code, or Section 508.146(f), Government Code, as added
2-19 by this Act, regardless of whether the sentence is for an offense
2-20 committed before, on, or after the effective date of this Act.

2-21 SECTION 4. This Act takes effect September 1, 2003.

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