

By: Hodge

H.B. No. 1715

Substitute the following for H.B. No. 1715:

By: Hopson

C.S.H.B. No. 1715

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the release on parole or mandatory supervision of
3 certain inmates and to the supervision of persons on parole or
4 mandatory supervision.

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

6 SECTION 1. Section 508.141, Government Code, is amended by
7 adding Subsection (g) to read as follows:

8 (g) The policy board shall adopt a policy establishing the
9 date on which the board may reconsider for release an inmate
10 described by Section 508.149 who has previously been denied
11 release. The policy must require the board to reconsider the inmate
12 for release during a month designated by the parole panel that
13 denied release. The designated month must begin after the first
14 anniversary of the date of the denial and end before the fifth
15 anniversary of the date of the denial.

16 SECTION 2. Subchapter E, Chapter 508, Government Code, is
17 amended by adding Section 508.1451 to read as follows:

18 Sec. 508.1451. RELEASE FOLLOWING REVOCATION. (a) In this
19 section, "technical violation" means a violation of a condition of
20 release that does not involve an arrest or criminal charge for or
21 conviction of an offense, other than an offense punishable as a
22 Class C misdemeanor.

23 (b) Except as provided by Subsection (d), a parole panel
24 shall establish a release date not earlier than the 180th day after,

1 and not later than the second anniversary of, the date on which a
2 releasee is returned to imprisonment following revocation of parole
3 or mandatory supervision for a technical violation of a condition
4 of release.

5 (c) An inmate released under this section is subject to the
6 same conditions of release as if the inmate were released under
7 Section 508.145.

8 (d) A parole panel may not release an inmate under this
9 section if the inmate is serving a sentence for an offense listed in
10 Section 508.149(a).

11 SECTION 3. Section 508.155, Government Code, is amended to
12 read as follows:

13 Sec. 508.155. COMPLETION OF PAROLE OR MANDATORY SUPERVISION
14 PERIOD; EARLY TERMINATION. (a) To complete a parole period or a
15 period of mandatory supervision, a releasee other than a releasee
16 granted early termination of supervision must serve the entire
17 period of parole.

18 (b) The time on parole is computed as calendar time.

19 (c) The division may recommend that a parole panel grant a
20 releasee early termination of supervision if the releasee has been
21 under supervision for five years or if the calendar time served in
22 the institutional division by the releasee before release and the
23 calendar time served under supervision by the releasee after
24 release equals two-thirds of the releasee's sentence. The parole
25 panel shall review the recommendation and may order or deny early
26 termination of supervision.

27 (d) A releasee who is granted early termination under

1 Subsection (c) has the same status as a releasee who completes a
2 parole period or period of mandatory supervision by serving the
3 entire period of parole or mandatory supervision. [~~The division~~
4 ~~may allow a releasee to serve the remainder of the releasee's~~
5 ~~sentence without supervision and without being required to report~~
6 ~~if:~~

7 ~~[(1) the releasee has been under supervision for at~~
8 ~~least one-half of the time that remained on the releasee's sentence~~
9 ~~when the releasee was released from imprisonment;~~

10 ~~[(2) during the period of supervision the releasee's~~
11 ~~parole or release to mandatory supervision has not been revoked;~~
12 ~~and~~

13 ~~[(3) the division determines:~~

14 ~~[(A) that the releasee has made a good faith~~
15 ~~effort to comply with any restitution order imposed on the releasee~~
16 ~~by a court; and~~

17 ~~[(B) that allowing the releasee to serve the~~
18 ~~remainder of the releasee's sentence without supervision and~~
19 ~~reporting is in the best interest of society.~~

20 ~~[(d) The division may require a person released from~~
21 ~~supervision and reporting under Subsection (c) to resubmit to~~
22 ~~supervision and resume reporting at any time and for any reason.]~~

23 SECTION 4. (a) The policy board of the Board of Pardons and
24 Paroles shall adopt the reconsideration policy required by Section
25 508.141(g), Government Code, as added by this Act, not later than
26 January 1, 2004.

27 (b) Section 508.1451, Government Code, as added by this Act,

1 applies only to a releasee who on or after the effective date of
2 this Act is charged with a violation of release. A releasee who
3 before the effective date of this Act is charged with a violation is
4 covered by the law in effect when the violation is charged, and the
5 former law is continued in effect for that purpose.

6 (c) The change in law made by this Act to Section 508.155,
7 Government Code, applies to a releasee on parole or mandatory
8 supervision on or after the effective date of this Act, regardless
9 of whether the releasee was released on parole or mandatory
10 supervision before, on, or after the effective date of this Act.

11 SECTION 5. This Act takes effect September 1, 2003.