

By: Hodge

H.B. No. 1715

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the operations of the Board of Pardons and Paroles and
3 the pardons and paroles division of the Texas Department of
4 Criminal Justice and to the supervision of persons released on
5 parole or mandatory supervision.

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

7 SECTION 1. Section 508.040, Government Code, is amended by
8 amending Subsection (a) and adding Subsection (f) to read as
9 follows:

10 (a) The policy board shall employ and supervise:

11 (1) a general counsel to the board;

12 (2) a board administrator to manage the day-to-day
13 activities of the board;

14 (3) hearing officers and administrative officers;

15 (4) personnel to assist in clemency matters; and

16 (5) secretarial or clerical personnel.

17 (f) The policy board shall ensure that a sufficient number
18 of administrative officers are stationed at each facility operated
19 by or under contract with the department, other than state jail
20 felony facilities, as necessary to:

21 (1) maintain the accuracy and integrity of information
22 about inmates in possession of the board or the department that is
23 used in the parole decision process;

24 (2) provide information about the parole decision

1 process to inmates housed in the facility; and

2 (3) perform other duties assigned by the policy board
3 relating to the reintegration of releasees into society.

4 SECTION 2. Section 508.141, Government Code, is amended by
5 adding Subsection (g) to read as follows:

6 (g) If after a parole panel makes a decision regarding the
7 release of an inmate on parole additional information is received
8 that is relevant as to whether the inmate should be under
9 supervision as a releasee or should be imprisoned, only the parole
10 panel that made the initial decision may review the additional
11 information.

12 SECTION 3. Section 508.144(a), Government Code, is amended
13 to read as follows:

14 (a) The board shall:

15 (1) develop according to an acceptable research method
16 the parole guidelines that are the basic criteria on which a parole
17 decision is made;

18 (2) base the guidelines on:

19 (A) the seriousness of the offense;

20 (B) the average time of imprisonment served for
21 the offense; and

22 (C) the likelihood of a favorable parole outcome;

23 (3) implement the guidelines; and

24 (4) review the guidelines periodically.

25 SECTION 4. Section 508.155, Government Code, is amended to
26 read as follows:

27 Sec. 508.155. COMPLETION OF PAROLE OR MANDATORY SUPERVISION

1 PERIOD; EARLY TERMINATION. (a) To complete a parole period or a
2 period of mandatory supervision, a releasee other than a releasee
3 granted early termination of supervision must serve the entire
4 period of parole.

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

6 (c) The division may recommend that a parole panel grant a
7 releasee early termination of supervision if the releasee has been
8 under supervision for five years or if the calendar time served in
9 the institutional division by the releasee before release and the
10 calendar time served under supervision by the releasee after
11 release equals two-thirds of the releasee's sentence. The parole
12 panel shall review the recommendation and may order or deny early
13 termination of supervision.

14 (d) A releasee who is granted early termination under
15 Subsection (c) has the same status as a releasee who completes a
16 parole period or period of mandatory supervision by serving the
17 entire period of parole or mandatory supervision. [The division
18 may allow a releasee to serve the remainder of the releasee's
19 sentence without supervision and without being required to report
20 if:

21 ~~[(1) the releasee has been under supervision for at~~
22 ~~least one-half of the time that remained on the releasee's sentence~~
23 ~~when the releasee was released from imprisonment,~~

24 ~~[(2) during the period of supervision the releasee's~~
25 ~~parole or release to mandatory supervision has not been revoked,~~
26 ~~and~~

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

1 ~~[(A) that the releasee has made a good faith~~
2 ~~effort to comply with any restitution order imposed on the releasee~~
3 ~~by a court, and~~

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

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

10 SECTION 5. Section 508.251(c), Government Code, is amended
11 to read as follows:

12 (c) Instead of the issuance of a warrant under this section,
13 the division shall ~~may~~ issue to the person a summons requiring the
14 person to appear for a hearing under Section 508.281 unless the
15 person is a releasee who is on intensive supervision or
16 superintensive supervision, who is an absconder, or who is
17 determined by the division to be a threat to public safety. The
18 summons must state the time, date, place, and purpose of the
19 hearing.

20 SECTION 6. Section 508.252, Government Code, is amended to
21 read as follows:

22 Sec. 508.252. GROUNDS FOR ISSUANCE OF WARRANT OR SUMMONS. A
23 warrant or summons may be issued under Section 508.251 if:

24 (1) there is reason to believe that the person has been
25 released although not eligible for release;

26 (2) the person has been arrested for an offense;

27 (3) there is a document that is self-authenticating as

1 provided by Rule 902, Texas Rules of Evidence, stating that the
2 person violated a rule or condition of release; or

3 (4) there is reliable evidence that the person has
4 exhibited behavior during the person's release that indicates to a
5 reasonable person that the person poses a danger to society that
6 warrants the person's immediate return to custody.

7 SECTION 7. Section 508.181, Government Code, is repealed.

8 SECTION 8. (a) The Board of Pardons and Paroles Policy
9 Board shall update parole guidelines to meet the requirements of
10 Section 508.144(a)(2), Government Code, as amended by this Act, not
11 later than October 1, 2003.

12 (b) The change in law made by this Act to Section 508.155,
13 Government Code, applies to a releasee on parole or mandatory
14 supervision on or after the effective date of this Act, regardless
15 of whether the releasee was released on parole or mandatory
16 supervision before, on, or after the effective date of this Act.

17 (c) The change in law made by this Act to Sections 508.251
18 and 508.252, Government Code, applies only to a releasee who on or
19 after the effective date of this Act is charged with a violation of
20 release. A releasee who before the effective date of this Act is
21 charged with a violation is covered by the law in effect when the
22 violation is charged, and the former law is continued in effect for
23 that purpose.

24 (d) The repeal by this Act of Section 508.181, Government
25 Code, applies to conditions imposed on persons released on parole
26 or mandatory supervision on or after the effective date of this Act,
27 except that a person released on parole or mandatory supervision

1 before the effective date of this Act may request the Board of
2 Pardons and Paroles to modify conditions of the person's release
3 requiring the person to reside in a particular county.

4 SECTION 9. This Act takes effect September 1, 2003.