

By: Allen

H.B. No. 1849

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the revocation process for certain persons released
3 from the Texas Department of Criminal Justice on parole or
4 mandatory supervision.

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

6 SECTION 1. Section 508.251(c), Government Code, is amended
7 to read as follows:

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

16 SECTION 2. Section 508.252, Government Code, is amended to
17 read as follows:

18 Sec. 508.252. GROUND FOR ISSUANCE OF WARRANT OR SUMMONS. A
19 warrant or summons may be issued under Section 508.251 if:

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

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

23 (3) there is a document that is self-authenticating as
24 provided by Rule 902, Texas Rules of Evidence, stating that the

1 person violated a rule or condition of release; or

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

6 SECTION 3. Section 508.281, Government Code, is amended by
7 adding Subsection (c) to read as follows:

8 (c) If a hearing before a designated agent of the board is
9 held under this section for a releasee who appears in compliance
10 with a summons, the sheriff of the county in which the releasee is
11 required to appear shall provide the designated agent with a place
12 at the county jail to hold the hearing. Immediately on conclusion
13 of a hearing in which the designated agent determines that a
14 releasee has violated a condition of release, the designated agent
15 may issue a warrant requiring the releasee to be held in the county
16 jail pending:

17 (1) the action of a parole panel on any
18 recommendations made by the designated agent; and

19 (2) if subsequently ordered by the parole panel, the
20 return of the releasee to the institution from which the releasee
21 was released.

22 SECTION 4. Section 508.282, Government Code, is amended by
23 amending Subsection (c) and adding Subsection (f) to read as
24 follows:

25 (c) In Subsections (a), ~~[and]~~ (b), and (f), charges against
26 an inmate or person are disposed of when:

27 (1) the inmate's or person's conditional pardon,

1 parole, or release to mandatory supervision is:

2 (A) revoked; or

3 (B) continued or modified and the inmate or
4 person is released from the county jail;

5 (2) the warrant for the inmate or person issued under
6 Section 508.251 is withdrawn; or

7 (3) the inmate or person is transferred to a facility
8 described by Section 508.284 for further proceedings.

9 (f) A parole panel, a designee of the board, or the
10 department shall dispose of the charges against a releasee for whom
11 a warrant is issued under Section 508.281(c) not later than the 31st
12 day after the date on which the warrant is issued.

13 SECTION 5. The change in law made by this Act applies only
14 to a releasee who on or after the effective date of this Act is
15 charged with a violation of release. A releasee who before the
16 effective date of this Act is charged with a violation is covered by
17 the law in effect when the violation is charged, and the former law
18 is continued in effect for that purpose.

19 SECTION 6. This Act takes effect September 1, 2003.