

1-1 By: Allen (Senate Sponsor - Whitmire) H.B. No. 1849
1-2 (In the Senate - Received from the House April 8, 2003;
1-3 April 9, 2003, read first time and referred to Committee on
1-4 Criminal Justice; May 9, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 May 9, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1849 By: Ellis

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

1-10 relating to the revocation process for certain persons released
1-11 from the Texas Department of Criminal Justice on parole or
1-12 mandatory supervision.

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

1-14 SECTION 1. Section 508.251(c), Government Code, is amended
1-15 to read as follows:

1-16 (c) Instead of the issuance of a warrant under this section,
1-17 the division may issue to the person a summons requiring the person
1-18 to appear for a hearing under Section 508.281 unless the person is a
1-19 releasee who is on intensive supervision or superintensive
1-20 supervision, who is an absconder, or who is determined by the
1-21 division to be a threat to public safety. The summons must state
1-22 the time, date, place, and purpose of the hearing.

1-23 SECTION 2. Section 508.252, Government Code, is amended to
1-24 read as follows:

1-25 Sec. 508.252. GROUND FOR ISSUANCE OF WARRANT OR SUMMONS. A
1-26 warrant or summons may be issued under Section 508.251 if:

1-27 (1) there is reason to believe that the person has been
1-28 released although not eligible for release;

1-29 (2) the person has been arrested for an offense;

1-30 (3) there is a document that is self-authenticating as
1-31 provided by Rule 902, Texas Rules of Evidence, stating that the
1-32 person violated a rule or condition of release; or

1-33 (4) there is reliable evidence that the person has
1-34 exhibited behavior during the person's release that indicates to a
1-35 reasonable person that the person poses a danger to society that
1-36 warrants the person's immediate return to custody.

1-37 SECTION 3. Section 508.281, Government Code, is amended by
1-38 adding Subsection (c) to read as follows:

1-39 (c) If a hearing before a designated agent of the board is
1-40 held under this section for a releasee who appears in compliance
1-41 with a summons, the sheriff of the county in which the releasee is
1-42 required to appear shall provide the designated agent with a place
1-43 at the county jail to hold the hearing. Immediately on conclusion
1-44 of a hearing in which the designated agent determines that a
1-45 releasee has violated a condition of release, a warrant may be
1-46 issued requiring the releasee to be held in the county jail pending:

1-47 (1) the action of a parole panel on any
1-48 recommendations made by the designated agent; and

1-49 (2) if subsequently ordered by the parole panel, the
1-50 return of the releasee to the institution from which the releasee
1-51 was released.

1-52 SECTION 4. Section 508.282, Government Code, is amended by
1-53 amending Subsection (c) and adding Subsection (f) to read as
1-54 follows:

1-55 (c) In Subsections (a), ~~and~~ (b), and (f), charges against
1-56 an inmate or person are disposed of when:

1-57 (1) the inmate's or person's conditional pardon,
1-58 parole, or release to mandatory supervision is:

1-59 (A) revoked; or

1-60 (B) continued or modified and the inmate or
1-61 person is released from the county jail;

1-62 (2) the warrant for the inmate or person issued under
1-63 Section 508.251 is withdrawn; or

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

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

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

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

* * * * *