

By: Uresti

H.B. No. 1965

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the revocation process for releasees who violate  
3 conditions of release on parole or mandatory supervision.

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

5 SECTION 1. Section 508.281, Government Code, is amended by  
6 amending Subsection (a) and adding Subsection (c) to read as  
7 follows:

8 (a) A releasee, a person released although ineligible for  
9 release, or a person granted a conditional pardon is entitled to a  
10 hearing before a parole panel or a designated agent of the board  
11 under the rules adopted by the policy board [~~and within a period~~  
12 ~~that permits a parole panel, a designee of the board, or the~~  
13 ~~department to dispose of the charges within the periods established~~  
14 ~~by Sections 508.282(a) and (b)] if the releasee or person[+~~

15 [~~1~~] is accused of a violation of the releasee's  
16 parole or mandatory supervision or the person's conditional pardon,  
17 on information and complaint by a peace officer or parole  
18 officer[+] or

19 [~~2~~] is arrested after an ineligible release. For a  
20 releasee other than a releasee described by Section 508.282(b), the  
21 hearing must be within the period required by Subsection (c).

22 (c) If a releasee is arrested after the execution of a  
23 warrant issued under Section 508.251, the parole panel or  
24 designated agent of a parole panel shall hold the hearing not later

1 than the 9th day after the date on which the warrant is executed. A  
2 parole panel shall make a decision under Section 508.283(a) not  
3 later than the 10th day after the conclusion of the hearing. The  
4 parole panel shall immediately notify the parole officer  
5 supervising the releasee of the panel's decision.

6 SECTION 2. Sections 508.282(a), (b), and (d), Government  
7 Code, are amended to read as follows:

8 (a) Except as provided by Subsection (b), a parole panel, a  
9 designee of the board, or the department shall dispose of the  
10 charges against an inmate or person described by Section  
11 508.281(a):

12 (1) before the 10th [~~61st~~] day after the date on which  
13 a parole panel makes a decision under Section 508.283(a) [+

14 [~~(A) a warrant issued as provided by Section~~  
15 ~~508.251 is executed, if the inmate or person is arrested only on a~~  
16 ~~charge that the inmate or person has committed an administrative~~  
17 ~~violation of a condition of release, and the inmate or person is not~~  
18 ~~charged before the 61st day with the commission of an offense~~  
19 ~~described by Section 508.2811(2)(B); or~~

20 [~~(B) the sheriff having custody of an inmate or~~  
21 ~~person alleged to have committed an offense after release notifies~~  
22 ~~the department that:~~

23 [~~(i) the inmate or person has discharged~~  
24 ~~the sentence for the offense; or~~

25 [~~(ii) the prosecution of the alleged~~  
26 ~~offense has been dismissed by the attorney representing the state~~  
27 ~~in the manner provided by Article 32.02, Code of Criminal~~

1 Procedure]; or

2 (2) within a reasonable time after the date on which  
3 the inmate or person is returned to the custody of the department,  
4 if:

5 (A) immediately before the return the inmate or  
6 person was in custody in another state or in a federal correctional  
7 system; or

8 (B) the inmate or person is transferred to the  
9 custody of the department under Section 508.284.

10 (b) A parole panel, a designee of the board, or the  
11 department is not required to dispose of the charges against an  
12 inmate or person within the period required by Subsection (a) if[+

13 [~~(1)~~] the inmate or person is in custody in another  
14 state or a federal correctional institution[+

15 [~~(2) the parole panel or a designee of the board is not~~  
16 ~~provided a place by the sheriff to hold the hearing, in which event~~  
17 ~~the department, parole panel, or designee is not required to~~  
18 ~~dispose of the charges against the inmate or person until the 60th~~  
19 ~~day after the date on which the sheriff provides a place to hold the~~  
20 ~~hearing; or~~

21 [~~(3) the inmate or person is granted a continuance by a~~  
22 ~~parole panel or a designee of the board in the inmate's or person's~~  
23 ~~hearing under Section 508.281(a), but in no event may a parole~~  
24 ~~panel, a designee of the board, or the department dispose of the~~  
25 ~~charges against the person later than the 30th day after the date on~~  
26 ~~which the parole panel, designee, or department would otherwise be~~  
27 ~~required to dispose of the charges under this section, unless the~~

1 ~~inmate or person is released from custody and a summons is issued~~  
2 ~~under Section 508.251 requiring the inmate or person to appear for a~~  
3 ~~hearing under Section 508.281].~~

4 (d) A sheriff, not later than 48 hours [~~the 10th day~~] before  
5 the date on which the sheriff intends to release from custody an  
6 inmate or person described by Section 508.281(a) or transfer the  
7 inmate or person to the custody of an entity other than the  
8 department, shall notify the department of the intended release or  
9 transfer.

10 SECTION 3. The change in law made by this Act applies only  
11 to a releasee for whom a warrant is issued under Section 508.251,  
12 Government Code, on or after the effective date of this Act. A  
13 releasee for whom a warrant is issued before the effective date of  
14 this Act is covered by the law in effect when the warrant is issued,  
15 and the former law is continued in effect for that purpose.

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