

By: Capelo

H.B. No. 3335

A BILL TO BE ENTITLED

AN ACT

relating to the time limitation of conducting a parole revocation hearing.

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

SECTION 1. Section 508.282, Government Code, is amended to read as follows:

Section 508.282. DEADLINES. (a) Except as provided by Subsection (b), a parole panel, a designee of the board, or the department shall dispose of the charges against an inmate or person described by Section 508.281(a):

(1) before the ~~61st~~ 31st day after the date on which:

(A) a warrant issued as provided by Section 508.251 is executed, if the inmate or person is arrested only on a charge that the inmate or person has committed an administrative violation of a condition of release, and the inmate or person is not charged before the ~~61st~~ 31st day with the commission of an offense described by Section 508.2811(2)(B); or

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

(i) the inmate or person has discharged the sentence for the offense; or

(ii) the prosecution of the alleged offense has been dismissed by the attorney representing the state in the

1 manner provided by Article 32.02, Code of Criminal 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 state
14 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 30th day after the date on which the sheriff provides a place to
20 hold the 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]~~ 7th day after the
26 date on which the parole panel, designee, or department would
27 otherwise be required to dispose of the charges under this section,

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

4 c) In Subsections (a) and (b), charges against an inmate or
5 person are disposed of when:

6 (1) the inmate's or person's conditional pardon,
7 parole, or release to mandatory supervision is:

8 (A) revoked; or

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

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12 Section 508.251 is withdrawn; or

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

15 (d) A sheriff, not later than the 10th day before the date on
16 which the sheriff intends to release from custody an inmate or
17 person described by Section 508.281(a) or transfer the inmate or
18 person to the custody of an entity other than the department, shall
19 notify the department of the intended release or transfer.

20 (e) If a warrant for an inmate or person issued under
21 Section 508.251 is withdrawn, a summons may be issued requiring the
22 inmate or person to appear for a hearing under Section 508.281.

23 SECTION 2. This Act takes effect September 1, 2003.