

By: Barrientos

S.B. No. 697

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 508.281, Government Code, is amended to read as follows:

Sec. 508.281. HEARING. (a) A releasee, a person released although ineligible for release, or a person granted a conditional pardon is entitled to a hearing before a parole panel or a designated agent of the board under the rules adopted by the policy board ~~[and within a period that permits a parole panel, a designee of the board, or the department to dispose of the charges within the periods established by Sections 508.282(a) and (b)]~~ if the releasee or person~~+~~

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

~~[(2)]~~ is arrested after an ineligible release. For a releasee described by Subsection (c)(1), the hearing must be within the period required by Subsection (c). For a releasee other than a releasee described by Subsection (c)(1) and for a person released although ineligible or released on conditional pardon, the hearing must be within a period that permits disposition of the charges

1 within periods established by Sections 508.282(a) and (b).

2 (b) If a parole panel or designated agent of the board
3 determines that a releasee or person granted a conditional pardon
4 has been convicted of a felony offense committed while an
5 administrative releasee and has been sentenced to a term of
6 confinement in a penal institution, the determination is considered
7 to be a sufficient hearing to revoke the parole or mandatory
8 supervision or recommend to the governor revocation of a
9 conditional pardon without further hearing, except that the parole
10 panel or designated agent shall conduct a hearing to consider
11 mitigating circumstances if requested by the releasee or person
12 granted a conditional pardon.

13 (c)(1) If a releasee is arrested after the execution of a
14 warrant issued under Section 508.251, and the warrant is issued
15 only for an administrative violation of release described by
16 Section 508.282(a)(1)(A), the parole officer supervising the
17 releasee, not later than the 24th hour after the arrest, shall
18 interview the releasee and notify the releasee that the releasee is
19 entitled to a hearing under this section.

20 (2) If a releasee does not waive the right to a hearing
21 under this section, the parole panel or designated agent of a parole
22 panel shall hold the hearing not later than the 72nd hour after the
23 conclusion of the interview described by Subdivision (1). If the
24 parole officer supervising the releasee or the parole panel
25 determines that a hearing cannot be held within the period required
26 by this subdivision, the warrant must be withdrawn. After
27 withdrawal of the warrant, a summons may be issued as provided by

1 Section 508.251.

2 (3) If a designated agent of a parole panel holds the
3 hearing under this section, the agent, not later than the 48th hour
4 after the conclusion of the hearing, shall forward electronically
5 to the parole panel deciding the case a hearing report containing
6 the agent's findings and recommendations.

7 (4) A parole panel that receives a hearing report
8 under Subdivision (3) shall make a decision under Section
9 508.283(a) not later than the 48th hour after receiving the hearing
10 report. The parole panel shall immediately notify the designated
11 agent and the parole officer supervising the releasee of the
12 panel's decision.

13 (5) If a parole panel holds the hearing under this
14 section, the parole panel shall make a decision under Section
15 508.283(a) not later than the 48th hour after the conclusion of the
16 hearing. The parole panel shall immediately notify the parole
17 officer supervising the releasee of the panel's decision.

18 (6) If the decision of the parole panel is to withdraw
19 the warrant issued under Section 508.251, the parole officer shall
20 remove the releasee from the custody of the county not later than
21 the 24th hour after receiving notice of the decision. If a parole
22 officer does not receive notice from a parole panel before the
23 deadline imposed by Subdivision (4) or (5), the parole officer
24 shall request the withdrawal of the warrant issued under Section
25 508.251, unless the releasee is under supervision after serving a
26 sentence for an offense listed in Section 3g(a)(1), Article 42.12,
27 Code of Criminal Procedure, or a sentence containing an affirmative

1 finding under Section 3g(a)(2) of that article.

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

4 (a) Except as provided by Subsection (b), a parole panel, a
5 designee of the board, or the department shall dispose of the
6 charges against an inmate or person described by Section
7 508.281(a):

8 (1) before the 9th [~~61st~~] day after the date on which:

9 (A) a warrant issued as provided by Section
10 508.251 is executed, if the inmate or person is arrested only on a
11 charge that the inmate or person has committed an administrative
12 violation of a condition of release, and the inmate or person is not
13 charged before the 9th [~~61st~~] day with the commission of an offense
14 described by Section 508.2811(2)(B); or

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

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

20 (ii) the prosecution of the alleged offense
21 has been dismissed by the attorney representing the state in the
22 manner provided by Article 32.02, Code of Criminal Procedure; or

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

26 (A) immediately before the return the inmate or
27 person was in custody in another state or in a federal correctional

1 system; or

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

4 (b) A parole panel, a designee of the board, or the
5 department is not required to dispose of the charges against an
6 inmate or person within the period required by Subsection (a) if:

7 (1) the inmate or person is in custody in another state
8 or a federal correctional institution; or

9 (2) ~~[the parole panel or a designee of the board is not
10 provided a place by the sheriff to hold the hearing, in which event
11 the department, parole panel, or designee is not required to
12 dispose of the charges against the inmate or person until the 60th
13 day after the date on which the sheriff provides a place to hold the
14 hearing; or~~

15 ~~[(3)]~~ the inmate or person is granted a continuance by
16 a parole panel or a designee of the board in the inmate's or person's
17 hearing under Section 508.281(a), but in no event may a parole
18 panel, a designee of the board, or the department dispose of the
19 charges against the person later than the 30th day after the date on
20 which the parole panel, designee, or department would otherwise be
21 required to dispose of the charges under this section, unless the
22 inmate or person is released from custody and a summons is issued
23 under Section 508.251 requiring the inmate or person to appear for a
24 hearing under Section 508.281.

25 (d) A sheriff, not later than the eighth ~~[10th]~~ day before
26 the date on which the sheriff intends to release from custody an
27 inmate or person described by Section 508.281(a) or transfer the

1 inmate or person to the custody of an entity other than the
2 department, shall notify the department of the intended release or
3 transfer.

4 SECTION 3. The change in law made by this Act applies only
5 to a releasee for whom a warrant is issued under Section 508.251,
6 Government Code, on or after the effective date of this Act. A
7 releasee for whom a warrant is issued before the effective date of
8 this Act is covered by the law in effect when the warrant is issued,
9 and the former law is continued in effect for that purpose.

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