

By: Whitmire

S.B. No. 880

Substitute the following for S.B. No. 880:

By: Haggerty

C.S.S.B. No. 880

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the time allowed for disposition of certain charges
3 regarding a violation of parole or other forms of release from
4 prison.

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

6 SECTION 1. Subsections (a) and (b), Section 508.282,
7 Government 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 31st [~~61st~~] day after the date on which:

13 (A) a warrant issued as provided by Section
14 508.251 is executed, if the inmate or person is arrested only on a
15 charge that the inmate or person has committed an administrative
16 violation of a condition of release, and the inmate or person is not
17 charged before the 31st [~~61st~~] day with the commission of an offense
18 described by Section 508.2811(2)(B); or

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

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

24 (ii) the prosecution of the alleged offense

1 has been dismissed by the attorney representing the state in the
2 manner provided by Article 32.02, Code of Criminal Procedure; or

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

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

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

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

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

16 (2) the parole panel or a designee of the board is not
17 provided a place by the sheriff to hold the hearing, in which event
18 the department, parole panel, or designee is not required to
19 dispose of the charges against the inmate or person until the 30th
20 [~~60th~~] day after the date on which the sheriff provides a place to
21 hold the hearing; or

22 (3) the inmate or person is granted a continuance by a
23 parole panel or a designee of the board in the inmate's or person's
24 hearing under Section 508.281(a), but in no event may a parole
25 panel, a designee of the board, or the department dispose of the
26 charges against the person later than the 10th [~~30th~~] day after the
27 date on which the parole panel, designee, or department would

1 otherwise be required to dispose of the charges under this section,
2 unless the inmate or person is released from custody and a summons
3 is issued under Section 508.251 requiring the inmate or person to
4 appear for a hearing under Section 508.281.

5 SECTION 2. (a) This Act takes effect September 1, 2003.

6 (b) The change in law made by this Act applies only to:

7 (1) a person who although ineligible for release is
8 released from the institutional division of the Texas Department of
9 Criminal Justice on or after the effective date of this Act; and

10 (2) a person released on parole, mandatory
11 supervision, or conditional pardon who, on or after the effective
12 date of this Act, is accused of a violation of a condition of the
13 person's release.

14 (c) A person improperly released or a person charged with an
15 alleged violation occurring before the effective date of this Act
16 is covered by the law in effect when the improper release or the
17 alleged violation occurred, and the former law is continued in
18 effect for that purpose.