

1-1 By: Whitmire S.B. No. 880  
1-2 (In the Senate - Filed March 5, 2003; March 11, 2003, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 2, 2003, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; April 2, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the time allowed for disposition of certain charges  
1-9 regarding a violation of parole or other forms of release from  
1-10 prison.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsections (a) and (b), Section 508.282,  
1-13 Government Code, are amended to read as follows:

1-14 (a) Except as provided by Subsection (b), a parole panel, a  
1-15 designee of the board, or the department shall dispose of the  
1-16 charges against an inmate or person described by Section  
1-17 508.281(a):

1-18 (1) before the 31st [~~61st~~] day after the date on which:

1-19 (A) a warrant issued as provided by Section  
1-20 508.251 is executed, if the inmate or person is arrested only on a  
1-21 charge that the inmate or person has committed an administrative  
1-22 violation of a condition of release, and the inmate or person is not  
1-23 charged before the 31st [~~61st~~] day with the commission of an offense  
1-24 described by Section 508.2811(2)(B); or

1-25 (B) the sheriff having custody of an inmate or  
1-26 person alleged to have committed an offense after release notifies  
1-27 the department that:

1-28 (i) the inmate or person has discharged the  
1-29 sentence for the offense; or

1-30 (ii) the prosecution of the alleged offense  
1-31 has been dismissed by the attorney representing the state in the  
1-32 manner provided by Article 32.02, Code of Criminal Procedure; or

1-33 (2) within a reasonable time after the date on which  
1-34 the inmate or person is returned to the custody of the department,  
1-35 if:

1-36 (A) immediately before the return the inmate or  
1-37 person was in custody in another state or in a federal correctional  
1-38 system; or

1-39 (B) the inmate or person is transferred to the  
1-40 custody of the department under Section 508.284.

1-41 (b) A parole panel, a designee of the board, or the  
1-42 department is not required to dispose of the charges against an  
1-43 inmate or person within the period required by Subsection (a) if:

1-44 (1) the inmate or person is in custody in another state  
1-45 or a federal correctional institution;

1-46 (2) the parole panel or a designee of the board is not  
1-47 provided a place by the sheriff to hold the hearing, in which event  
1-48 the department, parole panel, or designee is not required to  
1-49 dispose of the charges against the inmate or person until the 30th  
1-50 [~~60th~~] day after the date on which the sheriff provides a place to  
1-51 hold the hearing; or

1-52 (3) the inmate or person is granted a continuance by a  
1-53 parole panel or a designee of the board in the inmate's or person's  
1-54 hearing under Section 508.281(a), but in no event may a parole  
1-55 panel, a designee of the board, or the department dispose of the  
1-56 charges against the person later than the 30th day after the date on  
1-57 which the parole panel, designee, or department would otherwise be  
1-58 required to dispose of the charges under this section, unless the  
1-59 inmate or person is released from custody and a summons is issued  
1-60 under Section 508.251 requiring the inmate or person to appear for a  
1-61 hearing under Section 508.281.

1-62 SECTION 2. (a) This Act takes effect September 1, 2003.

1-63 (b) The change in law made by this Act applies only to:

1-64 (1) a person who although ineligible for release is

2-1 released from the institutional division of the Texas Department of  
2-2 Criminal Justice on or after the effective date of this Act; and

2-3 (2) a person released on parole, mandatory  
2-4 supervision, or conditional pardon who, on or after the effective  
2-5 date of this Act, is accused of a violation of a condition of the  
2-6 person's release.

2-7 (c) A person improperly released or a person charged with an  
2-8 alleged violation occurring before the effective date of this Act  
2-9 is covered by the law in effect when the improper release or the  
2-10 alleged violation occurred, and the former law is continued in  
2-11 effect for that purpose.

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