

## **BILL ANALYSIS**

C.S.H.B. 1681  
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Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law says an inmate may not be held past a statutory release date if the inmate fails or refuses to provide a blood sample, but allows the Department of Criminal Justice (TDCJ) to take other lawful administrative action against the inmate. Consequently, in cases where an inmate refuses to provide a blood sample, TDCJ will take away good time credits through the inmate disciplinary process. Regardless of whether or not the sample has been provided, the inmate is released after discharging (completing) their sentence.

In a recent decision, the U.S. District Court for the Western District of Texas ruled that the term "statutory release date" included a mandatory release date, which is calculated through a combination of calendar time and good time credits. Consequently, TDCJ cannot withhold good time credits from an inmate who refuses to provide a sample because it would impact the inmate's "statutory release date."

The purpose of C.S.H.B. 1681 is to amend state law to clearly state that TDCJ may take away good time credits from an inmate who refuses to provide a blood sample. Regardless of whether or not the sample has been provided, the inmate would still be released after discharging (completing) their sentence.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1681 amends Section 411.148 of the Government Code by clarifying that a penal institution may take administrative action against inmates who are required by law but who refuse to provide a blood sample or other specimen. Administrative action expressly includes the loss of good time credits. C.S.H.B. 1681 also inserts a definition of "statutory release date" as meaning the date on which an inmate is discharged from the inmate's controlling sentence.

### **EFFECTIVE DATE**

This Act takes effect on September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute differs from the original in that the substitute inserts a definition for "statutory release date."

The substitute also differs from the original in that the substitute reinserts the stricken language in Subsection (d).