

By: Martinez Fischer

H.B. No. 1661

A BILL TO BE ENTITLED

AN ACT

1
2 relating to procedures for certain persons charged with an
3 administrative violation of a condition of release from the Texas
4 Department of Criminal Justice on parole or mandatory supervision.

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

6 SECTION 1. Section 508.254, Government Code, is amended by
7 amending Subsection (c) and adding Subsection (d) to read as
8 follows:

9 (c)(1) Except as otherwise provided by this subsection,
10 pending [~~Pending~~] a hearing on a charge of parole violation,
11 ineligible release, or violation of a condition of mandatory
12 supervision, a person returned to custody shall remain confined.

13 (2) A magistrate of the county in which the person is
14 held in custody may release the person on bond pending the hearing
15 if:

16 (A) the person is arrested only on a charge that
17 the person has committed an administrative violation of a condition
18 of release; and

19 (B) the person has not been previously convicted
20 of:

21 (i) an offense under Chapter 29, Penal
22 Code, or an offense under Title 5, Penal Code, punishable as a
23 felony; or

24 (ii) an offense involving family violence,

1 as defined by Section 71.004, Family Code.

2 (3) The provisions of Chapters 17 and 22, Code of
3 Criminal Procedure, apply to a person released under this
4 subsection in the same manner as those provisions apply to a person
5 released pending an appearance before a court or magistrate, except
6 that the release under this subsection is conditioned on the
7 person's appearance at a hearing under this subchapter.

8 (d) A county that confines in the county jail an inmate or
9 person to whom Section 508.282(a)(1) applies is entitled to receive
10 compensation from the state for medical expenses and the costs of
11 confinement incurred during each day the inmate or person is
12 confined in the county jail after the date on which disposition of
13 the charges against the inmate or person is required under that
14 section. The county promptly shall inform the department that an
15 inmate or person described by this subsection is confined in the
16 jail. On the first day of each quarter of a county's fiscal year,
17 the county judge shall certify to the comptroller each inmate or
18 person confined and, for each inmate or person confined, the amount
19 of medical expenses and costs of confinement incurred during the
20 preceding fiscal quarter for which the county is entitled to
21 compensation under this subsection. The comptroller shall issue to
22 the commissioners court of the county a warrant in an amount
23 computed for the preceding fiscal quarter for all inmates or
24 persons confined.

25 SECTION 2. Section 508.282(a), Government Code, is amended
26 to read as follows:

27 (a) Except as provided by Subsection (b), a parole panel, a

1 designee of the board, or the department shall dispose of the
2 charges against an inmate or person described by Section
3 508.281(a):

4 (1) before the 14th [~~41st~~] day after the date on which:

5 (A) a warrant issued as provided by Section
6 508.251 is executed, if the inmate or person is arrested only on a
7 charge that the inmate or person has committed an administrative
8 violation of a condition of release, and the inmate or person is not
9 charged before the 14th [~~41st~~] day with the commission of an offense
10 described by Section 508.2811(2)(B); or

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

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

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

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

22 (A) immediately before the return the inmate or
23 person was in custody in another state or in a federal correctional
24 system; or

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

27 SECTION 3. (a) The change in law made by this Act applies

1 only to a person who on or after the effective date of this Act is
2 charged with a violation of the person's release on parole or
3 mandatory supervision. A person who before the effective date of
4 this Act was charged with a violation of release is governed by the
5 law in effect when the violation was charged, and the former law is
6 continued in effect for that purpose.

7 (b) A county is entitled to compensation from the state
8 under Section 508.254(d), Government Code, as added by this Act,
9 only for the confinement of a person who on or after the effective
10 date of this Act is charged with a violation of release.

11 SECTION 4. This Act takes effect September 1, 2005.