

BILL ANALYSIS

C.S.H.B. 46
By: Hodge
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2001, House Bill (HB) 1649 from the 77(R) was passed. Section 7 of the bill amended Section 508.283 of the Government Code by adding subsection (c) which states that if the parole, mandatory supervision, or conditional pardon of a person other than a person described by Section 508.149(a) is revoked, the person may be required to serve the remaining portion of their sentence on which they were released.

If at the issuance of the warrant or summons initiating the revocation process, the person has not served at least half of their remaining portion of the sentence on which they were released, they will be required to serve that sentence back in custody without any credit for the time served on parole, mandatory supervision, or conditional pardon. However, if at the issuance of the warrant or summons, the person has served at least half of their parole or mandatory supervision sentence then they shall be required to serve only the remaining portion of their sentence in custody. This affected offenders whose revocation came on or after September 1, 2001. C.S.H.B. 46 makes that date retroactive.

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. 46 makes the change in law made by Section 7 of H.B. 1649 (passed by the 77th Legislature) to Section 508.283, Government Code, apply to the calculation of the remaining sentence for an inmate whose release on parole, mandatory supervision, or conditional pardon is revoked regardless of whether the revocation occurred before, on, or after September 1, 2001.

EFFECTIVE DATE

September 1, 2008.

COMPARISON OF ORIGINAL TO SUBSTITUTE

In the original bill, the effective date was upon passage of the Act, or if the Act does not receive the necessary vote, September 1, 2007. The substitute changed the effective date to September 1, 2008.