

BILL ANALYSIS

H.B. 2611
By: Madden
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current Texas law does not allow sex offenders who have a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, to be released for medical supervision, even if they have a terminal illness or condition of long-term care. This policy has a negative effect on the individual inmate and is costly to the state. Texas prisons are critically overcrowded and yet the state is housing incarcerated inmates that, if released to supervision, could become eligible for federal Medicare and Medicaid. Moreover, inmates may not be receiving the mental health care that they need and could receive under medically recommended intensive supervision.

H.B. 2611 allows sex offenders who are in a persistent vegetative state or have an organic brain syndrome with significant to total mobility impairment to be released on medically recommended intensive supervision.

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

H.B. 2611 amends the Government Code to make an inmate who has a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, eligible for release on medically recommended intensive supervision given that the inmate meets certain requirements. The bill requires that such an inmate be diagnosed, by a physician, with a medical condition of terminal illness or long-term care. Additionally, the inmate must be identified by the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the Correctional Managed Health Care Committee, as being in a persistent vegetative state or being a person with an organic brain syndrome with significant to total mobility impairment.

H.B. 2611 also adds "by a physician" to the requirement that inmates with an instant offense described in Section 3g, Article 42.12, Code of Criminal Procedure, be diagnosed with a medical condition of terminal illness or long-term care in order to be eligible for medically recommended intensive supervision.

EFFECTIVE DATE

September 1, 2007.