

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 838
By: Whitmire
Criminal Justice
4/13/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 838 provides an intermediate sanction process for offenders under parole supervision or discretionary mandatory supervision release. Individuals who fail to comply with their conditions of parole, but who have not been charged with a felony offense may be ordered to remain under custodial supervision for a period not less than 180 days but not to exceed one year. This bill also prohibits the parole panel from revoking a person's parole due to an administrative violation or a violation punishable as a misdemeanor.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 505.283, Government Code, by amending Subsections (a) and (e) and adding Subsections (e-1), (f), and (g), as follows:

- (a) Authorizes a parole panel to continue, revoke, or modify the parole or mandatory supervision, except as provided by Subsection (g).
- (e) Authorizes the parole panel, rather than the Board of Pardons and Paroles (board), to require the releasee to remain under custodial supervision in a county jail for a specified time period, and authorizes the parole panel to do so each time the board modifies the person's parole or mandatory supervision.
- (e-1) Creates this subsection from existing text and makes a conforming change.
- (f) Requires that the term for confinement and treatment in a substance abuse treatment facility be not less than 180 days and not more than one year if the person's parole or mandatory supervision is modified and the parole panel requires such confinement and treatment. Provides that this subsection does not apply to a sex offender or an inmate under super-intensive supervision parole under Section 508.317(d).
- (g) Prohibits a parole panel from revoking a person's parole or mandatory supervision under this section if the person committed only an administrative violation of a condition of release, or has been adjudicated guilty of or has plead guilty or nolo contendere to a misdemeanor offense committed after release.

SECTION 2. Amends Subchapter I, Chapter 508, Government Code, by adding Section 508.285, as follows:

Sec. 508.285. SANCTION: CONFINEMENT IN INTERMEDIATE SANCTION FACILITY. (a) Authorizes a panel to require the person to remain under custodial supervision in an intermediate sanction facility operated by or under contract with the community supervision and corrections department (department) for a specified duration if the parole panel modifies the person's parole or mandatory supervision because the person violated his or her conditions of release. Provides that this subsection does not apply to a sex offender or an inmate under super-intensive supervision parole under Section 508.317(d).

(b) Authorizes a parole panel to require a person to remain under custodial supervision as described under Subsection (a) each time the person's parole or mandatory supervision is modified by the panel.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.