

By: Martinez Fischer

H.B. No. 541

A BILL TO BE ENTITLED

1 AN ACT

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(c), Government Code, is amended
7 to read as follows:

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

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

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

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

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

23 (ii) an offense involving family violence,
24 as defined by Section 71.004, Family Code.

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

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

9 (a) Except as provided by Subsection (b), a parole panel, a
10 designee of the board, or the department shall dispose of the
11 charges against an inmate or person described by Section
12 508.281(a):

13 (1) before the 10th [~~41st~~] day after the date on which:

14 (A) a warrant issued as provided by Section
15 508.251 is executed, if the inmate or person is arrested only on a
16 charge that the inmate or person has committed an administrative
17 violation of a condition of release, and the inmate or person is not
18 charged before the 10th [~~41st~~] day with the commission of an offense
19 described by Section 508.2811(2)(B); or

20 (B) the sheriff having custody of an inmate or
21 person alleged to have committed an offense after release notifies
22 the department that:

23 (i) the inmate or person has discharged the
24 sentence for the offense; or

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

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

4 (A) immediately before the return the inmate or
5 person was in custody in another state or in a federal correctional
6 system; or

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

9 SECTION 3. Section 508.284, Government Code, is amended to
10 read as follows:

11 Sec. 508.284. TRANSFER PENDING REVOCATION HEARING. The
12 department, as provided by Section 508.282(c), shall [~~may~~]
13 authorize a facility that is otherwise required to detain and house
14 an inmate or person to transfer the inmate or person to a
15 correctional facility operated by the department or under contract
16 with the department if[+]

17 ~~[(1) the department determines that adequate space is~~
18 ~~available in the facility to which the inmate or person is to be~~
19 ~~transferred; and~~

20 ~~[(2)]~~ the facility to which the inmate or person is to
21 be transferred is located not more than 50 [~~150~~] miles from the
22 facility from which the inmate or person is to be transferred.

23 SECTION 4. The change in law made by this Act applies only
24 to a person who on or after the effective date of this Act is charged
25 with a violation of the person's release on parole or mandatory
26 supervision. A person who before the effective date of this Act was
27 charged with a violation of release is governed by the law in effect

1 when the violation was charged, and the former law is continued in
2 effect for that purpose.

3 SECTION 5. This Act takes effect September 1, 2007.