

By: Whitmire

S.B. No. 838

A BILL TO BE ENTITLED

AN ACT

relating to the revocation or modification of a person's parole.

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

SECTION 1. Section 508.283, Government Code, is amended by amending Subsections (a) and (e) and adding Subsections (e-1), (f), and (g) to read as follows:

(a) After a parole panel or designated agent of the board has held a hearing under Section 508.281, in any manner warranted by the evidence:

(1) the board may recommend to the governor to continue, revoke, or modify the conditional pardon; and

(2) except as provided by Subsection (g), a parole panel may continue, revoke, or modify the parole or mandatory supervision.

(e) If a person's parole or mandatory supervision is modified after it is established that the person violated conditions of release, the parole panel [~~board~~] may require the releasee to remain under custodial supervision in a county jail for a period of not less than 60 days or more than 180 days. The parole panel may require a person to remain under custodial supervision under this subsection each time the board modifies the person's parole or mandatory supervision.

(e-1) A sheriff is required to accept an inmate sanctioned under Subsection (e) [~~this subsection~~] only if the commissioners

1 court of the county in which the sheriff serves and the Texas  
2 Department of Criminal Justice have entered into a contract  
3 providing for the housing of persons sanctioned under this  
4 subsection.

5 (f) If a person's parole or mandatory supervision is  
6 modified and the parole panel requires the person to serve a term of  
7 confinement and treatment in a substance abuse treatment facility  
8 operated under Section 493.009 as a condition of the modification,  
9 the term must be not less than 180 days and not more than one year.  
10 This subsection does not apply to a sex offender or an inmate under  
11 super-intensive supervision parole under Section 508.317(d).

12 (g) A parole panel may not revoke a person's parole or  
13 mandatory supervision under this section if the person:

14 (1) committed only an administrative violation of a  
15 condition of release; or

16 (2) has been adjudicated guilty of or has pleaded  
17 guilty or nolo contendere to an offense punishable as a misdemeanor  
18 that is committed after release.

19 SECTION 2. Subchapter I, Chapter 508, Government Code, is  
20 amended by adding Section 508.285 to read as follows:

21 Sec. 508.285. SANCTION: CONFINEMENT IN INTERMEDIATE  
22 SANCTION FACILITY. (a) After a hearing under Section 508.281, if  
23 a parole panel modifies a person's parole or mandatory supervision  
24 because the person violated the person's conditions of release, the  
25 panel may require the person to remain under custodial supervision  
26 in an intermediate sanction facility operated by or under contract  
27 with the department for a term of not less than 60 days or more than

1 one year. This subsection does not apply to a sex offender or an  
2 inmate under super-intensive supervision parole under Section  
3 508.317(d).

4 (b) A parole panel may require a person to remain under  
5 custodial supervision as described by Subsection (a) each time the  
6 panel modifies the person's parole or mandatory supervision.

7 SECTION 3. The change in law made by this Act applies only  
8 to a determination by a parole panel made on or after the effective  
9 date of this Act. A determination made before the effective date of  
10 this Act is covered by the law in effect on the date the  
11 determination was made, and the former law is continued in effect  
12 for that purpose.

13 SECTION 4. This Act takes effect September 1, 2007.