

By: Whitmire

S.B. No. 838

Substitute the following for S.B. No. 838:

By: Madden

C.S.S.B. No. 838

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the revocation or modification of parole or mandatory
3 supervision.

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

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

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

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

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

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

24 (e-1) A sheriff is required to accept an inmate sanctioned

1 under Subsection (e) [~~this subsection~~] only if the commissioners
2 court of the county in which the sheriff serves and the Texas
3 Department of Criminal Justice have entered into a contract
4 providing for the housing of persons sanctioned under this
5 subsection.

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

13 (g) Except as provided by Subsection (h), a parole panel may
14 not revoke a person's parole or mandatory supervision under this
15 section if the person:

16 (1) committed only an administrative violation of a
17 condition of release; or

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

21 (h) A parole panel may revoke a person's parole or mandatory
22 supervision under this section if the person:

23 (1) has failed to report to the parole officer
24 supervising the person for a period of at least one year; or

25 (2) is arrested outside of this state on a warrant
26 issued under Section 508.251.

27 SECTION 2. Subchapter I, Chapter 508, Government Code, is

1 amended by adding Section 508.285 to read as follows:

2 Sec. 508.285. SANCTION: CONFINEMENT IN INTERMEDIATE
3 SANCTION FACILITY. (a) After a hearing under Section 508.281, if
4 a parole panel modifies a person's parole or mandatory supervision
5 because the person violated the person's conditions of release, the
6 panel may require the person to remain under custodial supervision
7 in an intermediate sanction facility operated by or under contract
8 with the department for a term of not less than 60 days or more than
9 one year. This subsection does not apply to a sex offender or an
10 inmate under super-intensive supervision parole under Section
11 508.317(d).

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

15 SECTION 3. The change in law made by this Act applies only
16 to a determination by a parole panel made on or after the effective
17 date of this Act. A determination made before the effective date of
18 this Act is covered by the law in effect on the date the
19 determination was made, and the former law is continued in effect
20 for that purpose.

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