

1-1 By: Whitmire S.B. No. 838
1-2 (In the Senate - Filed February 22, 2007; March 7, 2007,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 17, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 17, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 838 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the revocation or modification of a person's parole.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 508.283, Government Code, is amended by
1-13 amending Subsections (a) and (e) and adding Subsections (e-1), (f),
1-14 and (g) to read as follows:

1-15 (a) After a parole panel or designated agent of the board
1-16 has held a hearing under Section 508.281, in any manner warranted by
1-17 the evidence:

1-18 (1) the board may recommend to the governor to
1-19 continue, revoke, or modify the conditional pardon; and

1-20 (2) except as provided by Subsection (g), a parole
1-21 panel may continue, revoke, or modify the parole or mandatory
1-22 supervision.

1-23 (e) If a person's parole or mandatory supervision is
1-24 modified after it is established that the person violated
1-25 conditions of release, the parole panel [board] may require the
1-26 releasee to remain under custodial supervision in a county jail for
1-27 a period of not less than 60 days or more than 180 days. The parole
1-28 panel may require a person to remain under custodial supervision
1-29 under this subsection each time the board modifies the person's
1-30 parole or mandatory supervision.

1-31 (e-1) A sheriff is required to accept an inmate sanctioned
1-32 under Subsection (e) [this subsection] only if the commissioners
1-33 court of the county in which the sheriff serves and the Texas
1-34 Department of Criminal Justice have entered into a contract
1-35 providing for the housing of persons sanctioned under this
1-36 subsection.

1-37 (f) If a person's parole or mandatory supervision is
1-38 modified and the parole panel requires the person to serve a term of
1-39 confinement and treatment in a substance abuse treatment facility
1-40 operated under Section 493.009 as a condition of the modification,
1-41 the term must be not less than 180 days and not more than one year.
1-42 This subsection does not apply to a sex offender or an inmate under
1-43 super-intensive supervision parole under Section 508.317(d).

1-44 (g) A parole panel may not revoke a person's parole or
1-45 mandatory supervision under this section if the person:

1-46 (1) committed only an administrative violation of a
1-47 condition of release; or

1-48 (2) has been adjudicated guilty of or has pleaded
1-49 guilty or nolo contendere to an offense punishable as a misdemeanor
1-50 that is committed after release.

1-51 SECTION 2. Subchapter I, Chapter 508, Government Code, is
1-52 amended by adding Section 508.285 to read as follows:

1-53 Sec. 508.285. SANCTION: CONFINEMENT IN INTERMEDIATE

1-54 SANCTION FACILITY. (a) After a hearing under Section 508.281, if
1-55 a parole panel modifies a person's parole or mandatory supervision
1-56 because the person violated the person's conditions of release, the
1-57 panel may require the person to remain under custodial supervision
1-58 in an intermediate sanction facility operated by or under contract
1-59 with the department for a term of not less than 60 days or more than
1-60 one year. This subsection does not apply to a sex offender or an
1-61 inmate under super-intensive supervision parole under Section
1-62 508.317(d).

1-63 (b) A parole panel may require a person to remain under

2-1 custodial supervision as described by Subsection (a) each time the
2-2 panel modifies the person's parole or mandatory supervision.

2-3 SECTION 3. The change in law made by this Act applies only
2-4 to a determination by a parole panel made on or after the effective
2-5 date of this Act. A determination made before the effective date of
2-6 this Act is covered by the law in effect on the date the
2-7 determination was made, and the former law is continued in effect
2-8 for that purpose.

2-9 SECTION 4. This Act takes effect September 1, 2007.

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