

1-1 By: Hinojosa S.B. No. 1563  
1-2 (In the Senate - Filed March 8, 2007; March 20, 2007, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 May 11, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; May 11, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1563 By: Hinojosa

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

1-10 relating to procedures for certain persons charged with certain new  
1-11 offenses or an administrative violation of a condition of release  
1-12 from the Texas Department of Criminal Justice on parole or  
1-13 mandatory supervision.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 508.254, Government Code, is amended by  
1-16 amending Subsection (c) and adding Subsections (d), (e), and (f) to  
1-17 read as follows:

1-18 (c) Except as provided by Subsection (d), pending [Pending]  
1-19 a hearing on a charge of parole violation, ineligible release, or  
1-20 violation of a condition of mandatory supervision, a person  
1-21 returned to custody shall remain confined.

1-22 (d) A magistrate of the county in which the person is held in  
1-23 custody may release the person on bond pending the hearing if:

1-24 (1) the person is arrested or held in custody only on a  
1-25 charge that the person:

1-26 (A) committed an administrative violation of  
1-27 release; or

1-28 (B) violated a condition of release by committing  
1-29 a new offense for which the person is eligible for release on bond,  
1-30 other than:

1-31 (i) an offense punishable as a felony;

1-32 (ii) an offense under Title 5 or Chapter 49,  
1-33 Penal Code, punishable as a Class B or Class A misdemeanor; or

1-34 (iii) an offense involving family violence,  
1-35 as defined by Section 71.004, Family Code;

1-36 (2) the division, in accordance with Subsection (e),  
1-37 included notice on the warrant for the person's arrest that the  
1-38 person is eligible for release on bond; and

1-39 (3) the magistrate determines that the person is not a  
1-40 threat to public safety.

1-41 (e) The division shall include a notice on the warrant for  
1-42 the person's arrest indicating that the person is eligible for  
1-43 release on bond under Subsection (d) if the division determines  
1-44 that the person:

1-45 (1) has not been previously convicted of:

1-46 (A) an offense under Chapter 29, Penal Code;

1-47 (B) an offense under Title 5, Penal Code,  
1-48 punishable as a felony; or

1-49 (C) an offense involving family violence, as  
1-50 defined by Section 71.004, Family Code;

1-51 (2) is not on intensive supervision or super-intensive  
1-52 supervision;

1-53 (3) is not an absconder; and

1-54 (4) is not a threat to public safety.

1-55 (f) The provisions of Chapters 17 and 22, Code of Criminal  
1-56 Procedure, apply to a person released under Subsection (d) in the  
1-57 same manner as those provisions apply to a person released pending  
1-58 an appearance before a court or magistrate, except that the release  
1-59 under that subsection is conditioned on the person's appearance at  
1-60 a hearing under this subchapter.

1-61 SECTION 2. The change in law made by this Act applies only  
1-62 to a person who on or after the effective date of this Act is charged  
1-63 with a violation of the person's release on parole or mandatory

2-1 supervision. A person who before the effective date of this Act was  
2-2 charged with a violation of release is governed by the law in effect  
2-3 when the violation was charged, and the former law is continued in  
2-4 effect for that purpose.

2-5 SECTION 3. This Act takes effect September 1, 2007.

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