

AN ACT

relating to the reinstatement of good conduct time suspended during a term of imprisonment.

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

SECTION 1. Section 498.004, Government Code, as amended by Chapters 249 (S.B. 44) and 321 (H.B. 2162), Acts of the 74th Legislature, Regular Session, 1995, is amended by reenacting and amending Subsection (a) and adding Subsection (c) to read as follows:

(a) If, during the actual term of imprisonment of an inmate in the department [~~institutional division~~] or in a transfer facility, the inmate commits an offense or violates a rule of the department [~~division~~], the department may forfeit all or any part of the inmate's accrued good conduct time or, in accordance with the policy adopted under Subsection (c), place all or any part of the inmate's accrued good conduct time in suspension. The department may not restore good conduct time forfeited under this subsection but may reinstate good conduct time suspended under this subsection.

(c) The department shall establish a policy regarding the suspension of good conduct time under Subsection (a). The policy must provide that:

(1) the department will consider the severity of an inmate's offense or violation in determining whether to suspend all

1 or part of the inmate's good conduct time instead of forfeiting the
2 inmate's good conduct time;

3 (2) during any period of suspension, good conduct time
4 placed in suspension may not be used:

5 (A) for purposes of granting privileges to an
6 inmate; or

7 (B) to compute an inmate's eligibility for parole
8 under Section 508.145 or to determine an inmate's date of release to
9 mandatory supervision under Section 508.147;

10 (3) at the conclusion of any period of suspension, the
11 department may forfeit or reinstate the good conduct time placed in
12 suspension based on the inmate's conduct during the period of the
13 suspension; and

14 (4) in determining whether to forfeit or reinstate
15 good conduct time placed in suspension, the department must
16 consider whether any impact to public safety is likely to result
17 from the inmate's release on parole or to mandatory supervision if
18 the good conduct time is reinstated.

19 SECTION 2. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 93 was passed by the House on May 1, 2009, by the following vote: Yeas 82, Nays 57, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 93 on May 29, 2009, by the following vote: Yeas 86, Nays 57, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 93 was passed by the Senate, with amendments, on May 25, 2009, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor