

1-1 By: Hodge, Guillen (Senate Sponsor - Hinojosa) H.B. No. 93
1-2 (In the Senate - Received from the House May 4, 2009;
1-3 May 6, 2009, read first time and referred to Committee on Criminal
1-4 Justice; May 15, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 15, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 93 By: Hegar

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

1-10 relating to the reinstatement of good conduct time suspended during
1-11 a term of imprisonment.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 498.004, Government Code, as amended by
1-14 Chapters 249 (S.B. 44) and 321 (H.B. 2162), Acts of the 74th
1-15 Legislature, Regular Session, 1995, is amended by reenacting and
1-16 amending Subsection (a) and adding Subsection (c) to read as
1-17 follows:

1-18 (a) If, during the actual term of imprisonment of an inmate
1-19 in the department [~~institutional division~~] or in a transfer
1-20 facility, the inmate commits an offense or violates a rule of the
1-21 department [~~division~~], the department may forfeit all or any part
1-22 of the inmate's accrued good conduct time or, in accordance with the
1-23 policy adopted under Subsection (c), place all or any part of the
1-24 inmate's accrued good conduct time in suspension. The department
1-25 may not restore good conduct time forfeited under this subsection
1-26 but may reinstate good conduct time suspended under this
1-27 subsection.

1-28 (c) The department shall establish a policy regarding the
1-29 suspension of good conduct time under Subsection (a). The policy
1-30 must provide that:

1-31 (1) the department will consider the severity of an
1-32 inmate's offense or violation in determining whether to suspend all
1-33 or part of the inmate's good conduct time instead of forfeiting the
1-34 inmate's good conduct time;

1-35 (2) during any period of suspension, good conduct time
1-36 placed in suspension may not be used:

1-37 (A) for purposes of granting privileges to an
1-38 inmate; or

1-39 (B) to compute an inmate's eligibility for parole
1-40 under Section 508.145 or to determine an inmate's date of release to
1-41 mandatory supervision under Section 508.147;

1-42 (3) at the conclusion of any period of suspension, the
1-43 department may forfeit or reinstate the good conduct time placed in
1-44 suspension based on the inmate's conduct during the period of the
1-45 suspension; and

1-46 (4) in determining whether to forfeit or reinstate
1-47 good conduct time placed in suspension, the department must
1-48 consider whether any impact to public safety is likely to result
1-49 from the inmate's release on parole or to mandatory supervision if
1-50 the good conduct time is reinstated.

1-51 SECTION 2. This Act takes effect immediately if it receives
1-52 a vote of two-thirds of all the members elected to each house, as
1-53 provided by Section 39, Article III, Texas Constitution. If this
1-54 Act does not receive the vote necessary for immediate effect, this
1-55 Act takes effect September 1, 2009.

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