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H.B. No. 1335

Substitute the following for H.B. No. 1335:

By: McReynolds

C.S.H.B. No. 1335

A BILL TO BE ENTITLED

1 AN ACT

2 relating to procedures for certain persons charged with certain new  
3 offenses or an administrative violation of a condition of release  
4 from the Texas Department of Criminal Justice on parole or to  
5 mandatory supervision.

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

7 SECTION 1. Section 508.254, Government Code, is amended by  
8 amending Subsection (c) and adding Subsections (d), (e), (f), and  
9 (g) to read as follows:

10 (c) Except as provided by Subsection (d), pending ~~[Pending]~~  
11 a hearing on a charge of parole violation, ineligible release, or  
12 violation of a condition of mandatory supervision, a person  
13 returned to custody shall remain confined.

14 (d) A magistrate of the county in which the person is held in  
15 custody may release the person on bond pending the hearing if:

16 (1) the person is arrested or held in custody only on a  
17 charge that the person:

18 (A) committed an administrative violation of  
19 release; or

20 (B) violated a condition of release by committing  
21 a new offense for which the person is eligible for release on bond,  
22 other than:

23 (i) an offense punishable as a felony;

24 (ii) an offense under Title 5 or Chapter 49,

1 Penal Code, punishable as a Class B or Class A misdemeanor; or  
2 (iii) an offense involving family violence,  
3 as defined by Section 71.004, Family Code;

4 (2) the division, in accordance with Subsection (e),  
5 included notice on the warrant for the person's arrest that the  
6 person is eligible for release on bond; and

7 (3) the magistrate determines that the person is not a  
8 threat to public safety.

9 (e) The division shall include a notice on the warrant for  
10 the person's arrest indicating that the person is eligible for  
11 release on bond under Subsection (d) if the division determines  
12 that the person:

13 (1) has not been previously convicted of:

14 (A) an offense under Chapter 29, Penal Code;

15 (B) an offense under Title 5, Penal Code,  
16 punishable as a felony; or

17 (C) an offense involving family violence, as  
18 defined by Section 71.004, Family Code;

19 (2) is not on intensive supervision or super-intensive  
20 supervision;

21 (3) is not an absconder; and

22 (4) is not a threat to public safety.

23 (f) The provisions of Chapter 17, Code of Criminal  
24 Procedure, apply to a person released under Subsection (d) in the  
25 same manner as those provisions apply to a person released pending  
26 an appearance before a court or magistrate, except that the release  
27 under Subsection (d) is conditioned on the person's appearance at a

1 hearing under this subchapter.

2 (g) If a person released under Subsection (d) fails to  
3 appear at a hearing, the division shall file with the magistrate who  
4 released the person on bond a sworn written notice of  
5 nonappearance. On the filing of the notice, the magistrate may  
6 forfeit the person's bond and enter a final judgment of forfeiture  
7 in the same manner and to the same extent as a court or magistrate  
8 may forfeit a bond under Chapter 22, Code of Criminal Procedure.

9 SECTION 2. The change in law made by this Act applies only  
10 to a person who on or after the effective date of this Act is charged  
11 with a violation of the person's release on parole or to mandatory  
12 supervision. A person who before the effective date of this Act was  
13 charged with a violation of release is governed by the law in effect  
14 when the violation was charged, and the former law is continued in  
15 effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2009.