

By: Martinez Fischer

H.B. No. 2100

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

(A) committed an administrative violation of release; or

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

(i) an offense under Chapter 29, Penal Code;

1                    (ii) an offense under Title 5, Penal Code,  
2 punishable as a felony; or

3                    (iii) an offense involving family violence,  
4 as defined by Section 71.004, Family Code;

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

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

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

14                    (1) is not on intensive supervision or super-intensive  
15 supervision;

16                    (2) is not an absconder; and

17                    (3) is not a threat to public safety.

18                  (f) The provisions of Chapters 17 and 22, Code of Criminal  
19 Procedure, apply to a person released under Subsection (d) in the  
20 same manner as those provisions apply to a person released pending  
21 an appearance before a court or magistrate, except that the release  
22 under Subsection (d) is conditioned on the person's appearance at a  
23 hearing under this subchapter.

24                  SECTION 2. The change in law made by this Act applies only  
25 to a person who on or after the effective date of this Act is charged  
26 with a violation of the person's release on parole or to mandatory  
27 supervision. A person who before the effective date of this Act was

1 charged with a violation of release is governed by the law in effect  
2 when the violation was charged, and the former law is continued in  
3 effect for that purpose.

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