

1-1 By: Martinez Fischer, Gonzalez Toureilles H.B. No. 2100
1-2 (Senate Sponsor - Hinojosa)
1-3 (In the Senate - Received from the House April 27, 2009;
1-4 May 1, 2009, read first time and referred to Committee on Criminal
1-5 Justice; May 14, 2009, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-7 May 14, 2009, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 2100 By: Hegar

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to procedures for certain persons charged with certain new
1-12 offenses or an administrative violation of a condition of release
1-13 from the Texas Department of Criminal Justice on parole or to
1-14 mandatory supervision.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 SECTION 1. Section 508.254, Government Code, is amended by
1-17 amending Subsection (c) and adding Subsections (d), (e), and (f) to
1-18 read as follows:

1-19 (c) Except as provided by Subsection (d), pending [Pending]
1-20 a hearing on a charge of parole violation, ineligible release, or
1-21 violation of a condition of mandatory supervision, a person
1-22 returned to custody shall remain confined.

1-23 (d) A magistrate of the county in which the person is held in
1-24 custody may release the person on bond pending the hearing if:

1-25 (1) the person is arrested or held in custody only on a
1-26 charge that the person:

1-27 (A) committed an administrative violation of
1-28 release; or

1-29 (B) violated a condition of release by committing
1-30 a new offense for which the person is eligible for release on bond,
1-31 other than:

1-32 (i) an offense punishable as a felony;

1-33 (ii) an offense under Title 5 or Chapter 49,
1-34 Penal Code, punishable as a Class B or Class A misdemeanor; or

1-35 (iii) an offense involving family violence,
1-36 as defined by Section 71.004, Family Code;

1-37 (2) the division, in accordance with Subsection (e),
1-38 included notice on the warrant for the person's arrest that the
1-39 person is eligible for release on bond; and

1-40 (3) the magistrate determines that the person is not a
1-41 threat to public safety.

1-42 (e) The division shall include a notice on the warrant for
1-43 the person's arrest indicating that the person is eligible for
1-44 release on bond under Subsection (d) if the division determines
1-45 that the person:

1-46 (1) has not been previously convicted of:

1-47 (A) an offense under Chapter 29, Penal Code;

1-48 (B) an offense under Title 5, Penal Code,
1-49 punishable as a felony; or

1-50 (C) an offense involving family violence, as
1-51 defined by Section 71.004, Family Code;

1-52 (2) is not on intensive supervision or super-intensive
1-53 supervision;

1-54 (3) is not an absconder; and

1-55 (4) is not a threat to public safety.

1-56 (f) The provisions of Chapters 17 and 22, Code of Criminal
1-57 Procedure, apply to a person released under Subsection (d) in the
1-58 same manner as those provisions apply to a person released pending
1-59 an appearance before a court or magistrate, except that the release
1-60 under Subsection (d) is conditioned on the person's appearance at a
1-61 hearing under this subchapter.

1-62 SECTION 2. The change in law made by this Act applies only
1-63 to a person who on or after the effective date of this Act is charged

2-1 with a violation of the person's release on parole or to mandatory
2-2 supervision. A person who before the effective date of this Act was
2-3 charged with a violation of release is governed by the law in effect
2-4 when the violation was charged, and the former law is continued in
2-5 effect for that purpose.

2-6 SECTION 3. This Act takes effect September 1, 2009.

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