

By: Cook

H.B. No. 3105

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the release on parole or revocation of parole or  
3 mandatory supervision of certain inmates placed in certain  
4 residential facilities.

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

6 SECTION 1. Section 508.141, Government Code, is amended by  
7 amending Subsection (e) and adding Subsection (e-1) to read as  
8 follows:

9 (e) Subject to Subsection (e-1), a [A] parole panel may  
10 release an inmate on parole only when:

11 (1) arrangements have been made for the inmate's  
12 employment or for the inmate's maintenance and care; and

13 (2) the parole panel believes that the inmate is able  
14 and willing to fulfill the obligations of a law-abiding citizen.

15 (e-1) This subsection applies only to an inmate serving a  
16 sentence for an offense under Section 49.04, Penal Code, punishable  
17 under Section 49.09(b)(2), Penal Code. A parole panel that  
18 considers for release on parole an inmate to whom this subsection  
19 applies and who is described by Subsection (a) and that determines  
20 the inmate is able and willing to fulfill the obligations of a  
21 law-abiding citizen:

22 (1) shall, not later than the 30th day after making  
23 that determination, issue an order releasing the inmate on parole,  
24 regardless of whether arrangements have been made for the inmate's

1 maintenance and care; and

2 (2) may not deny the release of the inmate on the  
3 ground that the department or division is unable to secure a  
4 post-release placement for the individual in a halfway house,  
5 community residential facility, or other similar residential  
6 facility.

7 SECTION 2. Section 508.252, Government Code, is amended to  
8 read as follows:

9 Sec. 508.252. GROUNDS FOR ISSUANCE OF WARRANT OR SUMMONS.

10 (a) A warrant or summons may be issued under Section 508.251 if:

11 (1) there is reason to believe that the person has been  
12 released although not eligible for release;

13 (2) the person has been arrested for an offense;

14 (3) there is a document that is self-authenticating as  
15 provided by Rule 902, Texas Rules of Evidence, stating that the  
16 person violated a rule or condition of release; or

17 (4) there is reliable evidence that the person has  
18 exhibited behavior during the person's release that indicates to a  
19 reasonable person that the person poses a danger to society that  
20 warrants the person's immediate return to custody.

21 (b) This subsection applies only to a person to whom Section  
22 508.141(e-1) applies. A warrant or summons may not be issued under:

23 (1) Subsection (a)(1), if the person was not eligible  
24 for release only because the department or division was unable to  
25 secure a post-release placement for the person in a halfway house,  
26 community residential facility, or other similar residential  
27 facility; or

1           (2) Subsection (a)(3), if the document states that the  
2 person violated only a rule or condition of release requiring the  
3 person to live in a halfway house, community residential facility,  
4 or other similar residential facility, and the department or  
5 division was unable to secure a post-release placement for the  
6 person in a suitable residential facility.

7           SECTION 3. (a) Section 508.141, Government Code, as amended  
8 by this Act, applies to any inmate who is confined in a facility  
9 operated by or under contract with the Texas Department of Criminal  
10 Justice on or after the effective date of this Act, regardless of  
11 when the inmate's period of confinement began.

12           (b) Section 508.252, Government Code, as amended by this  
13 Act, applies only to a person who is released on parole or to  
14 mandatory supervision on or after the effective date of this Act. A  
15 person who is released on parole or to mandatory supervision before  
16 the effective date of this Act is governed by the law in effect on  
17 the date the person was released, and that law is continued in  
18 effect for that purpose.

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