

By: Hunter

H.B. No. 3976

A BILL TO BE ENTITLED

AN ACT

1
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 listed in Section 3g(a)(1),
24 Article 42.12, or Article 62.001(5), Code of Criminal Procedure;

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

3 (iii) an offense punishable as a felony and
4 for which it is alleged that a deadly weapon, as defined by Section
5 1.07, Penal Code, was used or exhibited during the commission of the
6 offense or during immediate flight from the commission of the
7 offense;

8 (2) the person is not required to register as a sex
9 offender under Chapter 62, Code of Criminal Procedure, and has not
10 previously been convicted of:

11 (A) an offense listed in Section 3g(a)(1),
12 Article 42.12, Code of Criminal Procedure; or

13 (B) an offense for which the judgment contains an
14 affirmative finding under Section 3g(a)(2), Article 42.12, Code of
15 Criminal Procedure;

16 (3) the division, in accordance with Subsection (e),
17 included notice on the warrant for the person's arrest that the
18 person is eligible for release on bond; and

19 (4) the magistrate determines that the person is not a
20 threat to public safety.

21 (e) The division shall include a notice on the warrant for
22 the person's arrest indicating that the person is eligible for
23 release on bond under Subsection (d) if the division determines
24 that the person:

25 (1) is not an absconder; and

26 (2) is not a threat to public safety.

27 (f) The provisions of Chapters 17 and 22, Code of Criminal

1 Procedure, apply to a person released under Subsection (d) in the
2 same manner as those provisions apply to a person released pending
3 an appearance before a court or magistrate, except that the release
4 under Subsection (d) is conditioned on the person's appearance at a
5 hearing under this subchapter.

6 (g) A county that confines in the county jail an inmate or
7 person to whom Section 508.282(a)(1) applies is entitled to receive
8 compensation from the state for medical expenses and the costs of
9 confinement incurred during each day the inmate or person is
10 confined in the county jail after the date on which disposition of
11 the charges against the inmate or person is required under that
12 section. The county promptly shall inform the department that an
13 inmate or person described by this subsection is confined in the
14 jail. On the first day of each quarter of a county's fiscal year,
15 the county judge shall certify to the comptroller each inmate or
16 person confined and, for each inmate or person confined, the amount
17 of medical expenses and costs of confinement incurred during the
18 preceding fiscal quarter for which the county is entitled to
19 compensation under this subsection. The comptroller shall issue to
20 the commissioners court of the county a warrant in an amount
21 computed for the preceding fiscal quarter for all inmates or
22 persons confined.

23 SECTION 2. Section 508.282(a), Government Code, is amended
24 to read as follows:

25 (a) Except as provided by Subsection (b), a parole panel, a
26 designee of the board, or the department shall dispose of the
27 charges against an inmate or person described by Section

1 508.281(a):

2 (1) before the 14th [~~41st~~] day after the date on which:

3 (A) a warrant issued as provided by Section
4 508.251 is executed, if the inmate or person is arrested only on a
5 charge that the inmate or person has committed an administrative
6 violation of a condition of release, and the inmate or person is not
7 charged before the 14th [~~41st~~] day with the commission of an offense
8 described by Section 508.2811(2)(B); or

9 (B) the sheriff having custody of an inmate or
10 person alleged to have committed an offense after release notifies
11 the department that:

12 (i) the inmate or person has discharged the
13 sentence for the offense; or

14 (ii) the prosecution of the alleged offense
15 has been dismissed by the attorney representing the state in the
16 manner provided by Article 32.02, Code of Criminal Procedure; or

17 (2) within a reasonable time after the date on which
18 the inmate or person is returned to the custody of the department,
19 if:

20 (A) immediately before the return the inmate or
21 person was in custody in another state or in a federal correctional
22 system; or

23 (B) the inmate or person is transferred to the
24 custody of the department under Section 508.284.

25 SECTION 3. (a) The change in law made by this Act applies
26 only to a person who on or after the effective date of this Act is
27 charged with a violation of the person's release on parole or

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

5 (b) A county is entitled to compensation from the state
6 under Section 508.254(g), Government Code, as added by this Act,
7 only for the confinement of a person who on or after the effective
8 date of this Act is charged with a violation of release.

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