

1-1 By: Hinojosa S.B. No. 840
1-2 (In the Senate - Filed February 13, 2009; March 4, 2009,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 20, 2009, reported favorably by the following vote: Yeas 6,
1-5 Nays 1; April 20, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to procedures for certain persons charged with certain new
1-9 offenses or an administrative violation of a condition of release
1-10 from the Texas Department of Criminal Justice on parole or to
1-11 mandatory supervision.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 508.254, Government Code, is amended by
1-14 amending Subsection (c) and adding Subsections (d), (e), and (f) to
1-15 read as follows:

1-16 (c) Except as provided by Subsection (d), pending [Pending]
1-17 a hearing on a charge of parole violation, ineligible release, or
1-18 violation of a condition of mandatory supervision, a person
1-19 returned to custody shall remain confined.

1-20 (d) A magistrate of the county in which the person is held in
1-21 custody may release the person on bond pending the hearing if:

1-22 (1) the person is arrested or held in custody only on a
1-23 charge that the person:

1-24 (A) committed an administrative violation of
1-25 release; or

1-26 (B) violated a condition of release by committing
1-27 a new offense for which the person is eligible for release on bond,
1-28 other than:

1-29 (i) an offense punishable as a felony;

1-30 (ii) an offense under Title 5 or Chapter 49,
1-31 Penal Code, punishable as a Class B or Class A misdemeanor; or

1-32 (iii) an offense involving family violence,
1-33 as defined by Section 71.004, Family Code;

1-34 (2) the division, in accordance with Subsection (e),
1-35 included notice on the warrant for the person's arrest that the
1-36 person is eligible for release on bond; and

1-37 (3) the magistrate determines that the person is not a
1-38 threat to public safety.

1-39 (e) The division shall include a notice on the warrant for
1-40 the person's arrest indicating that the person is eligible for
1-41 release on bond under Subsection (d) if the division determines
1-42 that the person:

1-43 (1) has not been previously convicted of:

1-44 (A) an offense under Chapter 29, Penal Code;

1-45 (B) an offense under Title 5, Penal Code,
1-46 punishable as a felony; or

1-47 (C) an offense involving family violence, as
1-48 defined by Section 71.004, Family Code;

1-49 (2) is not on intensive supervision or super-intensive
1-50 supervision;

1-51 (3) is not an absconder; and

1-52 (4) is not a threat to public safety.

1-53 (f) The provisions of Chapters 17 and 22, Code of Criminal
1-54 Procedure, apply to a person released under Subsection (d) in the
1-55 same manner as those provisions apply to a person released pending
1-56 an appearance before a court or magistrate, except that the release
1-57 under Subsection (d) is conditioned on the person's appearance at a
1-58 hearing under this subchapter.

1-59 SECTION 2. The change in law made by this Act applies only
1-60 to a person who on or after the effective date of this Act is charged
1-61 with a violation of the person's release on parole or to mandatory
1-62 supervision. A person who before the effective date of this Act was
1-63 charged with a violation of release is governed by the law in effect
1-64 when the violation was charged, and the former law is continued in

2-1 effect for that purpose.

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

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