

SENATE AMENDMENTS

2nd Printing

By: Hodge, Guillen

H.B. No. 93

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the restoration of good conduct time forfeited during a
3 term of imprisonment.

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

5 SECTION 1. Section 498.004(a), Government Code, as amended
6 by Chapters 249 and 321, Acts of the 74th Legislature, Regular
7 Session, 1995, is reenacted and amended to read as follows:

8 (a) If, during the actual term of imprisonment of an inmate
9 in the department [~~institutional division~~] or in a transfer
10 facility, the inmate commits an offense or violates a rule of the
11 department [~~division~~], the department may forfeit all or any part
12 of the inmate's accrued good conduct time. The department may [~~not~~]
13 restore good conduct time forfeited under this subsection.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.

ADOPTED

MAY 25 2009

Atty. Gen.
Secretary of the Senate

By: J. J. Arvizu

H.B. No. 93

Substitute the following for H.B. No. 93 :

By: [Signature]

C.S. H.B. No. 93

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the reinstatement of good conduct time suspended during
3 a term of imprisonment.

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

5 SECTION 1. Section 498.004, Government Code, as amended by
6 Chapters 249 (S.B. 44) and 321 (H.B. 2162), Acts of the 74th
7 Legislature, Regular Session, 1995, is amended by reenacting and
8 amending Subsection (a) and adding Subsection (c) to read as
9 follows:

10 (a) If, during the actual term of imprisonment of an inmate
11 in the department [~~institutional division~~] or in a transfer
12 facility, the inmate commits an offense or violates a rule of the
13 department [~~division~~], the department may forfeit all or any part
14 of the inmate's accrued good conduct time or, in accordance with the
15 policy adopted under Subsection (c), place all or any part of the
16 inmate's accrued good conduct time in suspension. The department
17 may not restore good conduct time forfeited under this subsection
18 but may reinstate good conduct time suspended under this
19 subsection.

20 (c) The department shall establish a policy regarding the
21 suspension of good conduct time under Subsection (a). The policy
22 must provide that:

23 (1) the department will consider the severity of an
24 inmate's offense or violation in determining whether to suspend all

1 or part of the inmate's good conduct time instead of forfeiting the
2 inmate's good conduct time;

3 (2) during any period of suspension, good conduct time
4 placed in suspension may not be used:

5 (A) for purposes of granting privileges to an
6 inmate; or

7 (B) to compute an inmate's eligibility for parole
8 under Section 508.145 or to determine an inmate's date of release to
9 mandatory supervision under Section 508.147;

10 (3) at the conclusion of any period of suspension, the
11 department may forfeit or reinstate the good conduct time placed in
12 suspension based on the inmate's conduct during the period of the
13 suspension; and

14 (4) in determining whether to forfeit or reinstate
15 good conduct time placed in suspension, the department must
16 consider whether any impact to public safety is likely to result
17 from the inmate's release on parole or to mandatory supervision if
18 the good conduct time is reinstated.

19 SECTION 2. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB93 by Hodge (Relating to the reinstatement of good conduct time suspended during a term of imprisonment.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code by granting the Texas Department of Criminal Justice (TDCJ) permission to restore good conduct time forfeited by an offender as a result of committing an offense or violating a rule of TDCJ. If TDCJ utilizes the option to restore good conduct time, the bill would result in cost savings due to the earlier release of inmates for whom good conduct time is restored.

The bill would take effect immediately if it receives a vote of two-thirds of all the members of each house. If it does not receive the necessary vote for immediate effect, it would take effect on September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, SZ, ESi, GG, LM, TMP, SDO

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 14, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB93 by Hodge (Relating to the reinstatement of good conduct time suspended during a term of imprisonment.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code by granting the Texas Department of Criminal Justice (TDCJ) permission to restore good conduct time forfeited by an offender as a result of committing an offense or violating a rule of TDCJ. If TDCJ utilizes the option to restore good conduct time, the bill would result in cost savings due to the earlier release of inmates for whom good conduct time is restored.

The bill would take effect immediately if it receives a vote of two-thirds of all the members of each house. If it does not receive the necessary vote for immediate effect, it would take effect on September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, LM, TMP, SDO

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 8, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB93 by Hodge (Relating to the restoration of good conduct time forfeited during a term of imprisonment.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code by granting the Texas Department of Criminal Justice (TDCJ) permission to restore good conduct time forfeited by an offender as a result of committing an offense or violating a rule of TDCJ. If TDCJ utilizes the option to restore good conduct time, the bill would result in cost savings due to the earlier release of inmates for whom good conduct time is restored.

The bill would take effect immediately if it receives a vote of two-thirds of all the members of each house. If it does not receive the necessary vote for immediate effect, it would take effect on September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, TMP, SDO

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 6, 2009

TO: Honorable Jim McReynolds, Chair, House Committee on Corrections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB93 by Hodge (Relating to the restoration of good conduct time forfeited during a term of imprisonment.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code by granting the Texas Department of Criminal Justice (TDCJ) permission to restore good conduct time forfeited by an offender as a result of committing an offense or violating a rule of TDCJ. If TDCJ utilizes the option to restore good conduct time, the bill would result in cost savings due to the earlier release of inmates for whom good conduct time is restored.

The bill would take effect immediately if it receives a vote of two-thirds of all the members of each house. If it does not receive the necessary vote for immediate effect, it would take effect on September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, TMP, SDO

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 14, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB93 by Hodge (Relating to the reinstatement of good conduct time suspended during a term of imprisonment.), **Committee Report 2nd House, Substituted**

The bill would amend the Government Code by granting the Texas Department of Criminal Justice (TDCJ) the permission to restore good conduct time forfeited by an offender as a result of committing an offense or violating a rule of TDCJ. Under current law, TDCJ may not restore good conduct time forfeited because an inmate commits an offense, or violates a rule.

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes. The bill would result in a decrease in TDCJ's prison population due to the earlier release of inmates for whom good conduct time is restored.

Source Agencies:

LBB Staff: JOB, GG, LM, TMP

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 11, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB93 by Hodge (Relating to the restoration of good conduct time forfeited during a term of imprisonment.), **As Engrossed**

The bill would amend the Government Code by granting the Texas Department of Criminal Justice (TDCJ) the permission to restore good conduct time forfeited by an offender as a result of committing an offense or violating a rule of TDCJ. Under current law, TDCJ may not restore good conduct time forfeited because an inmate commits an offense, or violates a rule.

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes. The bill would result in a decrease in TDCJ's prison population due to the earlier release of inmates for whom good conduct time is restored.

Source Agencies:

LBB Staff: JOB, GG, TMP

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

March 5, 2009

TO: Honorable Jim McReynolds, Chair, House Committee on Corrections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB93 by Hodge (Relating to the restoration of good conduct time forfeited during a term of imprisonment.), **As Introduced**

The bill would amend the Government Code by granting the Texas Department of Criminal Justice (TDCJ) the permission to restore good conduct time forfeited by an offender as a result of committing an offense or violating a rule of TDCJ. Under current law, TDCJ may not restore good conduct time forfeited because an inmate commits an offense, or violates a rule.

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes. The bill would result in a decrease in TDCJ's prison population due to the earlier release of inmates for whom good conduct time is restored.

Source Agencies:

LBB Staff: JOB, GG, TMP