

House Bill 93
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(a) If, during the actual term of imprisonment of an inmate in the department [~~institutional division~~] or in a transfer facility, the inmate commits an offense or violates a rule of the department [~~division~~], the department may forfeit all or any part of the inmate's accrued good conduct time.

The department may not restore good conduct time forfeited under this subsection.

SENATE VERSION

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

(a) If, during the actual term of imprisonment of an inmate in the department [~~institutional division~~] or in a transfer facility, the inmate commits an offense or violates a rule of the department [~~division~~], the department may forfeit all or any part of the inmate's accrued good conduct time or, in accordance with the policy adopted under Subsection (c), place all or any part of the inmate's accrued good conduct time in suspension.

The department may not restore good conduct time forfeited under this subsection but may reinstate good conduct time suspended under this subsection.

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

(1) the department will consider the severity of an inmate's offense or violation in determining whether to suspend all or part of the inmate's good conduct time instead of forfeiting the inmate's good conduct time;

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

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

(B) to compute an inmate's eligibility for parole under Section 508.145 or to determine an inmate's date of

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release to mandatory supervision under Section 508.147;
(3) at the conclusion of any period of suspension, the
department may forfeit or reinstate the good conduct
time placed in suspension based on the inmate's conduct
during the period of the suspension; and
(4) in determining whether to forfeit or reinstate good
conduct time placed in suspension, the department must
consider whether any impact to public safety is likely to
result from the inmate's release on parole or to
mandatory supervision if the good conduct time is
reinstated.

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

Same as House version.