

## **BILL ANALYSIS**

C.S.H.B. 2352  
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Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In the past, certain inmates eligible for release to mandatory supervision were automatically granted release under specific circumstances. Currently, a parole panel must order the release under a system that some believe has resulted in a backlog of inmates awaiting release. Interested parties assert that a consequence of this backlog is a high cost population of nonviolent, low-level offenders that do not necessarily require additional review. C.S.H.B. 2352 seeks to resolve this situation by restoring automatic mandatory supervision for certain nonviolent, low-level offenders while simultaneously retaining a parole panel's discretion over certain offenders who have committed specified offenses that might pose a continuing danger to public safety.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2352 amends the Government Code to restrict application of the prohibition against releasing an inmate to mandatory supervision if a parole panel makes certain determinations to an inmate who meets any of the following criteria:

- is serving a sentence for or has been previously convicted of an offense listed in or described by law as an offense that renders an inmate ineligible for release to mandatory supervision but is nonetheless eligible for release on mandatory supervision because the offense was committed before the offense was listed in or described by that law;
- is serving a sentence for or has been previously convicted of a first or second degree felony offense of tampering with a consumer product or a third degree felony or any higher category of offense of criminal solicitation of a minor, manslaughter, kidnapping, trafficking of persons, improper relationship between an educator and a student, assault, deadly conduct, terroristic threat, sale or purchase of a child, or continuous violence against the family;
- has been previously convicted at least two times of a felony offense and served at least two terms of imprisonment in a facility operated by or under contract with the Texas Department of Criminal Justice (TDCJ); or
- has been the subject of major disciplinary action within the 12-month period preceding the inmate's scheduled release date, if the director of the pardons and paroles division of TDCJ or the director's designee, after consulting with the warden of the unit to which the inmate is assigned, recommends review by a parole panel of the inmate's release.

The bill entitles an inmate not described by the bill's provisions or by the provision of law listing the offenses that render an inmate ineligible for release to mandatory supervision to release on the inmate's scheduled release date. The bill makes conforming changes.

## **EFFECTIVE DATE**

September 1, 2011.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2352 differs from the original by restricting application of the prohibition against the release of an inmate to mandatory supervision if a parole board makes certain determinations to an inmate who is serving a sentence for or has been previously convicted of a first or second degree felony offense of tampering with a consumer product or a third degree felony or any higher category of offense of criminal solicitation of a minor, manslaughter, kidnapping, trafficking of persons, improper relationship between an educator and a student, assault, deadly conduct, terroristic threat, sale or purchase of a child, or continuous violence against the family, whereas the original restricts application of that prohibition to an inmate serving a sentence for or who has been previously convicted of an offense of manslaughter, trafficking of persons, improper relationship between an educator and a student, abandoning or endangering a child, deadly conduct, terroristic threat, or tampering with a consumer product.

C.S.H.B. 2352 contains provisions not included in the original restricting application of the prohibition to an inmate who is serving a sentence for or has been previously convicted of an offense that renders an inmate ineligible for release to mandatory supervision but is nonetheless eligible for release because of the time the offense was committed, an inmate who has been previously convicted at least two times of a felony offense and served at least two terms of imprisonment in a facility operated by or under contract with the Texas Department of Criminal Justice, or an inmate who has been the subject of major disciplinary action within the 12-month period preceding the inmate's scheduled release, if review by a parole panel of the inmate's release to mandatory supervision is recommended.

C.S.H.B. 2352 differs from the original by retaining as a parole panel determination that triggers the prohibition against the inmate's release to mandatory supervision the determination that the inmate's accrued good conduct time is not an accurate reflection of the inmate's potential for rehabilitation, whereas the original removes that determination.

C.S.H.B. 2352 contains a provision not included in the original entitling an inmate not described by the substitute's provisions or by the provision of law listing the offenses that render an inmate ineligible for release to mandatory supervision to release on the inmate's scheduled release date.