

By: Perry

H.B. No. 1940

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the requirement of a preliminary hearing for certain  
3 persons released from the Texas Department of Criminal Justice who  
4 are alleged to have violated a condition of release.

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

6 SECTION 1. Section 508.2811, Government Code, is amended to  
7 read as follows:

8 Sec. 508.2811. PRELIMINARY HEARING. A parole panel or a  
9 designee of the board shall provide within a reasonable time to an  
10 inmate or person described by Section 508.281(a) a preliminary  
11 hearing to determine whether probable cause or reasonable grounds  
12 exist to believe that the inmate or person has committed an act that  
13 would constitute a violation of a condition of release, unless the  
14 inmate or person:

15 (1) waives the preliminary hearing; or

16 (2) after release:

17 (A) has been charged only with an administrative  
18 violation of a condition of release;

19 (B) has been charged with an offense that was  
20 committed after release and for which a magistrate has made a  
21 finding of probable cause; or

22 (C) [~~(B)~~] has been adjudicated guilty of or has  
23 pleaded guilty or nolo contendere to an offense committed after  
24 release, other than an offense punishable by fine only involving

1 the operation of a motor vehicle, regardless of whether the court  
2 has deferred disposition of the case, imposed a sentence in the  
3 case, or placed the inmate or person on community supervision.

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

6 (a) Except as provided by Subsection (b), a parole panel, a  
7 designee of the board, or the department shall dispose of the  
8 charges against an inmate or person described by Section  
9 508.281(a):

10 (1) before the 41st day after the date on which:

11 (A) a warrant issued as provided by Section  
12 508.251 is executed, if the inmate or person is arrested only on a  
13 charge that the inmate or person has committed an administrative  
14 violation of a condition of release, and the inmate or person is not  
15 charged before the 41st day with the commission of an offense  
16 described by Section 508.2811(2)(B) or (C); or

17 (B) the sheriff having custody of an inmate or  
18 person alleged to have committed an offense after release notifies  
19 the department that:

20 (i) the inmate or person has discharged the  
21 sentence for the offense; or

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

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

1                   (A) immediately before the return the inmate or  
2 person was in custody in another state or in a federal correctional  
3 system; or

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

6           SECTION 3. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2011.