

1-1 By: Perry (Senate Sponsor - Huffman) H.B. No. 1940  
1-2 (In the Senate - Received from the House April 27, 2011;  
1-3 May 3, 2011, read first time and referred to Committee on Criminal  
1-4 Justice; May 23, 2011, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;  
1-6 May 23, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1940 By: Huffman

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to certain matters affecting the supervision of persons  
1-11 released from the Texas Department of Criminal Justice and to  
1-12 certain hearings conducted concerning persons released from the  
1-13 Texas Department of Criminal Justice.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 508.040(a), Government Code, is amended  
1-16 to read as follows:

1-17 (a) The presiding officer is responsible for the employment  
1-18 and supervision of:

- 1-19 (1) parole commissioners;  
1-20 (2) a general counsel to the board;  
1-21 (3) a board administrator to manage the day-to-day  
1-22 activities of the board;  
1-23 (4) hearing officers;  
1-24 (5) institutional parole officers;  
1-25 (6) personnel to assist in clemency and hearing  
1-26 matters; and  
1-27 (7) ~~(6)~~ secretarial or clerical personnel.

1-28 SECTION 2. Section 508.0441(a), Government Code, is amended  
1-29 to read as follows:

1-30 (a) Board members and parole commissioners shall determine:

- 1-31 (1) which inmates are to be released on parole or  
1-32 mandatory supervision;  
1-33 (2) conditions of parole or mandatory supervision,  
1-34 including special conditions;  
1-35 (3) the modification and withdrawal of conditions of  
1-36 parole or mandatory supervision; and  
1-37 (4) ~~[which releasees may be released from supervision~~  
1-38 ~~and reporting; and~~  
1-39 ~~(5)]~~ the continuation, modification, and revocation  
1-40 of parole or mandatory supervision.

1-41 SECTION 3. Section 508.045, Government Code, is amended by  
1-42 amending Subsection (c) and adding Subsection (d) to read as  
1-43 follows:

1-44 (c) A parole panel may:

- 1-45 (1) grant, deny, or revoke parole;  
1-46 (2) deny release to mandatory supervision, under  
1-47 Section 508.149(b), or revoke mandatory supervision; ~~and~~  
1-48 (3) conduct parole revocation hearings and mandatory  
1-49 supervision revocation hearings; and  
1-50 (4) conduct hearings concerning whether, as a  
1-51 condition of release on parole or to mandatory supervision, a  
1-52 releasee who does not have a reportable conviction or adjudication,  
1-53 as defined by Article 62.001(5), Code of Criminal Procedure, must  
1-54 comply with any sex offender restrictions, including, if  
1-55 applicable, registering as a sex offender under Chapter 62, Code of  
1-56 Criminal Procedure.

1-57 (d) A parole panel or a designated agent of the board may  
1-58 conduct a hearing described by Subsection (c)(3) or (4).

1-59 SECTION 4. Section 508.224, Government Code, is amended to  
1-60 read as follows:

1-61 Sec. 508.224. SUBSTANCE ABUSE COUNSELING. A parole panel  
1-62 may require as a condition of parole or mandatory supervision that  
1-63 the releasee attend counseling sessions for substance abusers or

2-1 participate in substance abuse treatment services in a program or  
2-2 facility approved or licensed by the Department of State Health  
2-3 Services [~~Texas Commission on Alcohol and Drug Abuse~~] if:

2-4 (1) the releasee was sentenced for an offense  
2-5 involving a controlled substance; or

2-6 (2) the panel determines that the releasee's substance  
2-7 abuse was related to the commission of the offense.

2-8 SECTION 5. Section 508.283(a), Government Code, is amended  
2-9 to read as follows:

2-10 (a) If a releasee waives the releasee's right to a hearing  
2-11 or, if a releasee does not waive the releasee's right to a hearing,  
2-12 after [~~After~~] a parole panel or designated agent of the board has  
2-13 held a hearing under Section 508.281, in any manner warranted by the  
2-14 evidence:

2-15 (1) the board may recommend to the governor to  
2-16 continue, revoke, or modify the conditional pardon; and

2-17 (2) a parole panel may continue, revoke, or modify the  
2-18 parole or mandatory supervision.

2-19 SECTION 6. This Act takes effect immediately if it receives  
2-20 a vote of two-thirds of all the members elected to each house, as  
2-21 provided by Section 39, Article III, Texas Constitution. If this  
2-22 Act does not receive the vote necessary for immediate effect, this  
2-23 Act takes effect September 1, 2011.

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