

By: Allen, Marquez

H.B. No. 2352

Substitute the following for H.B. No. 2352:

By: Allen

C.S.H.B. No. 2352

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain inmates for release to mandatory supervision.

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

SECTION 1. Section 508.149, Government Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (e) to read as follows:

(b)(1) This subsection applies to an inmate who:

(A) is serving a sentence for or has been previously convicted of an offense listed in or described by Subsection (a) but is nonetheless eligible for release on mandatory supervision because the offense was committed before the offense was listed in or described by Subsection (a);

(B) is serving a sentence for or has been previously convicted of:

(i) a felony of the third degree or any higher category of offense under Section 15.031, 19.04, 20.03, 20A.02, 21.12, 22.01, 22.05, 22.07, 25.08, or 25.11, Penal Code; or

(ii) a felony of the first or second degree under Section 22.09, Penal Code;

(C) 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 department; or

1 (D) has been the subject of major disciplinary
2 action within the 12-month period preceding the inmate's scheduled
3 release date as determined under Section 508.147, if the director
4 or director's designee, after consulting with the warden of the
5 unit to which the inmate is assigned, recommends review by a parole
6 panel under Subdivision (2).

7 (2) An inmate to whom this subsection applies may not
8 be released to mandatory supervision if a parole panel determines
9 that:

10 (A) [~~(1)~~] the inmate's accrued good conduct time
11 is not an accurate reflection of the inmate's potential for
12 rehabilitation; and

13 (B) [~~(2)~~] the inmate's release would endanger
14 the public.

15 (c) A parole panel that makes a determination under
16 Subsection (b)(2) [~~(b)~~] shall specify in writing the reasons for
17 the determination.

18 (d) A determination under Subsection (b)(2) [~~(b)~~] is not
19 subject to administrative or judicial review, except that the
20 parole panel making the determination shall reconsider the inmate
21 for release to mandatory supervision at least twice during the two
22 years after the date of the determination.

23 (e) An inmate not described by Subsection (a) or (b) is
24 entitled to release on the inmate's scheduled release date as
25 provided by Section 508.147.

26 SECTION 2. The change in law made by this Act applies to any
27 inmate serving a term of imprisonment in a facility operated by or

1 under contract with the Texas Department of Criminal Justice on or
2 after the effective date of this Act, regardless of when the inmate
3 was sentenced to serve that term.

4 SECTION 3. This Act takes effect September 1, 2011.