

By: Madden

H.B. No. 2734

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain mandatory conditions of parole or mandatory
3 supervision for illegal criminal aliens and the revocation of
4 parole or mandatory supervision as a result of violating those
5 conditions.

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

7 SECTION 1. Subchapter F, Chapter 508, Government Code, is
8 amended by adding Section 508.192 to read as follows:

9 Sec. 508.192. REENTRY INTO THE UNITED STATES PROHIBITED.

10 (a) In this section, "illegal criminal alien" has the meaning
11 assigned by Section 493.015.

12 (b) A parole panel shall require as a condition of parole or
13 mandatory supervision that an illegal criminal alien released to
14 the custody of United States Immigration and Customs Enforcement:

15 (1) regardless of whether a final order of deportation
16 is issued with reference to the illegal criminal alien, leave the
17 United States as soon as possible after release; and

18 (2) not unlawfully return to or unlawfully reenter the
19 United States in violation of the Immigration Reform and Control
20 Act of 1986 (8 U.S.C. Section 1101 et seq.).

21 SECTION 2. Section 508.281, Government Code, is amended by
22 adding Subsection (d) to read as follows:

23 (d) If a parole panel or designated agent of the board
24 determines that a releasee has violated a condition of release

1 required under Section 508.192 and confirms the violation with a
2 peace officer or other law enforcement officer of this state who is
3 authorized under federal law to verify a person's immigration
4 status or, in accordance with 8 U.S.C. Section 1373(c), with a
5 federal law enforcement officer, the determination is considered to
6 be a sufficient hearing to revoke the parole or mandatory
7 supervision without further hearing or determination, except that
8 the parole panel or designated agent shall conduct a hearing to
9 consider mitigating circumstances, if requested by the releasee.

10 SECTION 3. Section 508.192, Government Code, as added by
11 this Act, applies only to a person who is released on parole or to
12 mandatory supervision on or after the effective date of this Act.

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