

By: Madden

H.B. No. 2735

A BILL TO BE ENTITLED

1 AN ACT

2 relating to procedures for certain persons charged with an
3 administrative violation of a condition of release from the Texas
4 Department of Criminal Justice on parole or to mandatory
5 supervision.

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

7 SECTION 1. Section 508.251, Government Code, is amended by
8 amending Subsection (c) and adding Subsection (c-1) to read as
9 follows:

10 (c) Instead of the issuance of a warrant under this section,
11 the division:

12 (1) may issue to the person a summons requiring the
13 person to appear for a hearing under Section 508.281 if ~~[unless]~~ the
14 person is not a releasee who is:

15 (A) on intensive supervision or superintensive
16 supervision;

17 (B) ~~[, who is]~~ an absconder; or

18 (C) ~~[, or who is]~~ determined by the division to be
19 a threat to public safety; and

20 (2) shall issue to the person a summons requiring the
21 person to appear for a hearing under Section 508.281 if the person:

22 (A) is charged only with committing an
23 administrative violation of release that is alleged to have been
24 committed after the third anniversary of the date the person was

1 released on parole or to mandatory supervision;

2 (B) is not serving a sentence for, and has not
3 been previously convicted of, an offense listed in or described by
4 Article 62.001(5), Code of Criminal Procedure; and

5 (C) is not a releasee with respect to whom a
6 summons may not be issued under Subdivision (1).

7 (c-1) A [The] summons issued under Subsection (c) must state
8 the time, date, place, and purpose of the hearing.

9 SECTION 2. The change in law made by this Act applies only
10 to a person who on or after the effective date of this Act is charged
11 with a violation of the terms of the person's release on parole or
12 to mandatory supervision. A person who before the effective date of
13 this Act was charged with a violation of the terms of the person's
14 release is governed by the law in effect when the violation was
15 charged, and the former law is continued in effect for that purpose.

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