

1-1 By: Madden (Senate Sponsor - Hinojosa) H.B. No. 2735
1-2 (In the Senate - Received from the House May 5, 2011;
1-3 May 9, 2011, read first time and referred to Committee on Criminal
1-4 Justice; May 19, 2011, reported favorably by the following vote:
1-5 Yeas 5, Nays 2; May 19, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to procedures for certain persons charged with an
1-9 administrative violation of a condition of release from the Texas
1-10 Department of Criminal Justice on parole or to mandatory
1-11 supervision.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 508.251, Government Code, is amended by
1-14 amending Subsection (c) and adding Subsection (c-1) to read as
1-15 follows:

1-16 (c) Instead of the issuance of a warrant under this section,
1-17 the division:

1-18 (1) may issue to the person a summons requiring the
1-19 person to appear for a hearing under Section 508.281 if ~~[unless]~~ the
1-20 person is not a releasee who is:

1-21 (A) on intensive supervision or superintensive
1-22 supervision;

1-23 (B) [~~who is~~] an absconder; or

1-24 (C) [~~or who is~~] determined by the division to be
1-25 a threat to public safety; and

1-26 (2) shall issue to the person a summons requiring the
1-27 person to appear for a hearing under Section 508.281 if the person:

1-28 (A) is charged only with committing an
1-29 administrative violation of release that is alleged to have been
1-30 committed after the third anniversary of the date the person was
1-31 released on parole or to mandatory supervision;

1-32 (B) is not serving a sentence for, and has not
1-33 been previously convicted of, an offense listed in or described by
1-34 Article 62.001(5), Code of Criminal Procedure; and

1-35 (C) is not a releasee with respect to whom a
1-36 summons may not be issued under Subdivision (1).

1-37 (c-1) A [~~The~~] summons issued under Subsection (c) must state
1-38 the time, date, place, and purpose of the hearing.

1-39 SECTION 2. The change in law made by this Act applies only
1-40 to a person who on or after the effective date of this Act is charged
1-41 with a violation of the terms of the person's release on parole or
1-42 to mandatory supervision. A person who before the effective date of
1-43 this Act was charged with a violation of the terms of the person's
1-44 release is governed by the law in effect when the violation was
1-45 charged, and the former law is continued in effect for that purpose.

1-46 SECTION 3. This Act takes effect September 1, 2011.

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