

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 23 2011

BY: 


Secretary of the Senate

1 Amend H.B. No. 2734 by adding the following appropriately
2 numbered SECTION to the bill and renumbering subsequent SECTIONS
3 of the bill accordingly:

4 SECTION _____. Chapter 2, Code of Criminal Procedure, is
5 amended by adding Article 2.252 to read as follows:

6 Art. 2.252. VERIFICATION OF IMMIGRATION STATUS OF PERSON
7 CHARGED WITH COMMITTING OFFENSE. (a) A local law enforcement
8 agency that has custody of a person who has been arrested and
9 transported to a place of detention shall verify the immigration
10 status of the person by use of the federal Secure Communities
11 program operated by United States Immigration and Customs
12 Enforcement or a successor program.

13 (b) A local law enforcement agency is not required to
14 conduct an immigration status verification under Subsection (a)
15 of a person who is transferred to the custody of the agency by
16 another law enforcement agency if the transferring agency,
17 before transferring custody of the person, conducted an
18 immigration status verification under Subsection (a).

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 24, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2734 by Madden (Relating to certain mandatory conditions of parole or mandatory supervision for illegal criminal aliens and the revocation of parole or mandatory supervision as a result of violating those conditions.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require as a condition of parole or mandatory supervision that an illegal criminal alien leave the United States after release, and do not unlawfully return or unlawfully reenter. The bill would also amend the Government Code to authorize the parole panel to revoke without further hearing or determination the parole or mandatory supervision of an illegal criminal alien, except that requested by the releasee. The bill would amend the Code of Criminal Procedure to require a local law enforcement agency to verify the immigration status of certain persons charged with committing an offense.

The bill would take effect on September 1, 2011 and apply only to a person who is released on parole or to mandatory supervision on or after that date.

The Board of Pardons and Paroles has determined that no fiscal impact can be determined as this bill is written. For this analysis, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: JOB, KJG, GG, LM, ADM, ESi, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 2, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2734 by Madden (Relating to certain mandatory conditions of parole or mandatory supervision for illegal criminal aliens and the revocation of parole or mandatory supervision as a result of violating those conditions.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require as a condition of parole or mandatory supervision that an illegal criminal alien leave the United States after release, and do not unlawfully return or unlawfully reenter. The bill would also amend the Government Code to authorize the parole panel to revoke without further hearing or determination the parole or mandatory supervision of an illegal criminal alien, except that requested by the releasee.

The bill would take effect on September 1, 2011 and apply only to a person who is released on parole or to mandatory supervision on or after that date.

The Board of Pardons and Paroles has determined that no fiscal impact can be determined as this bill is written. For this analysis, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: JOB, KJG, ESi, GG, LM, AI, ADM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 27, 2011

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2734 by Madden (Relating to certain mandatory conditions of parole or mandatory supervision for illegal criminal aliens and the revocation of parole or mandatory supervision as a result of violating those conditions.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require as a condition of parole or mandatory supervision that an illegal criminal alien leave the United States after release, and do not unlawfully return or unlawfully reenter. The bill would also amend the Government Code to authorize the parole panel to revoke without further hearing or determination the parole or mandatory supervision of an illegal criminal alien, except that requested by the releasee.

The bill would take effect on September 1, 2011 and apply only to a person who is released on parole or to mandatory supervision on or after that date.

The Board of Pardons and Paroles has determined that no fiscal impact can be determined as this bill is written. For this analysis, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: JOB, ESi, GG, LM, AI, ADM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

82ND LEGISLATIVE REGULAR SESSION

March 28, 2011

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2734 by Madden (Relating to certain mandatory conditions of parole or mandatory supervision for illegal criminal aliens and the revocation of parole or mandatory supervision as a result of violating those conditions.), **As Introduced**

The bill would amend the Government Code to require as a condition of parole or mandatory supervision that an illegal criminal alien leave the United States after release, and do not unlawfully return or unlawfully reenter. The bill would also amend the Government Code to authorize the parole panel to revoke without further hearing or determination the parole or mandatory supervision of an illegal criminal alien, except that requested by the releasee.

Expanding the list of offenses for which a penalty is applied is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jails or prison. In fiscal year 2010, it is estimated that approximately 2,384 criminal aliens with a federal detainer relating to their immigration status were released from prison on parole supervision, mandatory supervision, or discretionary mandatory supervision. In fiscal year 2010, it is estimated that approximately 58 criminal aliens with a federal detainer relating to their immigration status had their parole supervision, mandatory supervision, or discretionary mandatory supervision revoked and were sent back to prison; of those revoked, less than 5 were for technical violations of supervision conditions. Although the number of offenders who would have their supervision revoked for violating the conditions of this bill is unknown, for this analysis it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Source Agencies:

LBB Staff: JOB, GG, LM, ADM