

House Bill 1940
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
<p>SECTION 1. Section 508.2811, Government Code, is amended to read as follows:</p> <p>Sec. 508.2811. PRELIMINARY HEARING. A parole panel or a designee of the board shall provide within a reasonable time to an inmate or person described by Section 508.281(a) a preliminary hearing to determine whether probable cause or reasonable grounds exist to believe that the inmate or person has committed an act that would constitute a violation of a condition of release, unless the inmate or person:</p> <p>(1) waives the preliminary hearing; or</p> <p>(2) after release:</p> <p>(A) has been charged only with an administrative violation of a condition of release;</p> <p><u>(B) has been charged with an offense that was committed after release and for which a magistrate has made a finding of probable cause; or</u></p> <p><u>(C) [</u>(B)<u>] has been adjudicated guilty of or has pleaded guilty or nolo contendere to an offense committed after release, other than an offense punishable by fine only involving the operation of a motor vehicle, regardless of whether the court has deferred disposition of the case, imposed a sentence in the case, or placed the inmate or person on community supervision.</u></p>	<p>No equivalent provision.</p>	
<p>SECTION 2. Section 508.282(a), Government Code, is amended to read as follows:</p> <p>(a) Except as provided by Subsection (b), a parole panel, a designee of the board, or the department shall dispose of the charges against an inmate or person described by Section 508.281(a):</p> <p>(1) before the 41st day after the date on which:</p>	<p>No equivalent provision.</p>	

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(A) a warrant issued as provided by Section 508.251 is executed, if the inmate or person is arrested only on a charge that the inmate or person has committed an administrative violation of a condition of release, and the inmate or person is not charged before the 41st day with the commission of an offense described by Section 508.2811(2)(B) or (C); or

(B) the sheriff having custody of an inmate or person alleged to have committed an offense after release notifies the department that:

(i) the inmate or person has discharged the sentence for the offense; or

(ii) the prosecution of the alleged offense has been dismissed by the attorney representing the state in the manner provided by Article 32.02, Code of Criminal Procedure; or

(2) within a reasonable time after the date on which the inmate or person is returned to the custody of the department, if:

(A) immediately before the return the inmate or person was in custody in another state or in a federal correctional system; or

(B) the inmate or person is transferred to the custody of the department under Section 508.284.

No equivalent provision.

SECTION 1. Section 508.040(a), Government Code, is amended to read as follows:

(a) The presiding officer is responsible for the employment and supervision of:

(1) parole commissioners;

(2) a general counsel to the board;

(3) a board administrator to manage the day-to-day activities of the board;

(4) hearing officers;

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- (5) institutional parole officers;
(6) personnel to assist in clemency and hearing matters; and
(7) ~~(6)~~ secretarial or clerical personnel.

No equivalent provision.

SECTION 2. Section 508.0441(a), Government Code, is amended to read as follows:

(a) Board members and parole commissioners shall determine:

- (1) which inmates are to be released on parole or mandatory supervision;
(2) conditions of parole or mandatory supervision, including special conditions;
(3) the modification and withdrawal of conditions of parole or mandatory supervision; and
(4) ~~[which releasees may be released from supervision and reporting; and~~
~~(5)]~~ the continuation, modification, and revocation of parole or mandatory supervision.

No equivalent provision.

SECTION 3. Section 508.045, Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) A parole panel may:

- (1) grant, deny, or revoke parole;
(2) deny release to mandatory supervision, under Section 508.149(b), or revoke mandatory supervision; ~~and~~
(3) conduct parole revocation hearings and mandatory supervision revocation hearings; and
(4) conduct hearings concerning whether, as a condition of release on parole or to mandatory supervision, a releasee who

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does not have a reportable conviction or adjudication, as defined by Article 62.001(5), Code of Criminal Procedure, must comply with any sex offender restrictions, including, if applicable, registering as a sex offender under Chapter 62, Code of Criminal Procedure.

(d) A parole panel or a designated agent of the board may conduct a hearing described by Subsection (c)(3) or (4).

No equivalent provision.

SECTION 4. Section 508.224, Government Code, is amended to read as follows:

Sec. 508.224. SUBSTANCE ABUSE COUNSELING. A parole panel may require as a condition of parole or mandatory supervision that the releasee attend counseling sessions for substance abusers or participate in substance abuse treatment services in a program or facility approved or licensed by the Department of State Health Services [~~Texas Commission on Alcohol and Drug Abuse~~] if:

- (1) the releasee was sentenced for an offense involving a controlled substance; or
- (2) the panel determines that the releasee's substance abuse was related to the commission of the offense.

No equivalent provision.

SECTION 5. Section 508.283(a), Government Code, is amended to read as follows:

(a) If a releasee waives the releasee's right to a hearing or, if a releasee does not waive the releasee's right to a hearing, after [~~After~~] a parole panel or designated agent of the board has held a hearing under Section 508.281, in any manner warranted by the evidence:

- (1) the board may recommend to the governor to continue,

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	revoke, or modify the conditional pardon; and (2) a parole panel may continue, revoke, or modify the parole or mandatory supervision.	
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SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

SECTION 6. Same as House version.