

By: Bonnen of Brazoria

H.B. No. 2069

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the release of inmates convicted of certain violent
3 crimes on medically recommended intensive supervision.

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

5 SECTION 1. Section 508.146, Government Code, is amended by
6 amending Subsection (a) and adding Subsections (g) and (h) to read
7 as follows:

8 (a) An inmate other than an inmate who is serving a sentence
9 of death or life without parole may be released on medically
10 recommended intensive supervision on a date designated by a parole
11 panel described by Subsection (e), except that an inmate with an
12 instant offense that is an offense described in Section 3g, Article
13 42.12, Code of Criminal Procedure, may be considered only if a
14 medical condition of terminal illness has been diagnosed by a
15 physician and [~~or~~] an inmate who has a reportable conviction or
16 adjudication for an offense under Chapter 62, Code of Criminal
17 Procedure, other than an offense listed in Section 3g(a)(1),
18 Article 42.12, Code of Criminal Procedure, may [~~only~~] be considered
19 only if a medical condition of terminal illness or long-term care
20 has been diagnosed by a physician, if:

21 (1) the Texas Correctional Office on Offenders with
22 Medical or Mental Impairments, in cooperation with the Correctional
23 Managed Health Care Committee, identifies the inmate as being:

24 (A) elderly, physically disabled, mentally ill,

1 terminally ill, or mentally retarded [~~or having a condition~~
2 ~~requiring long-term care~~], if the inmate is an inmate with an
3 instant offense that is described in Section 3g, Article 42.12,
4 Code of Criminal Procedure; or

5 (B) in a persistent vegetative state or being a
6 person with an organic brain syndrome with significant to total
7 mobility impairment, if the inmate is an inmate who has a reportable
8 conviction or adjudication for an offense under Chapter 62, Code of
9 Criminal Procedure;

10 (2) the parole panel determines that, based on the
11 inmate's condition and a medical evaluation, the inmate does not
12 constitute a threat to public safety; and

13 (3) the Texas Correctional Office on Offenders with
14 Medical or Mental Impairments, in cooperation with the pardons and
15 paroles division, has prepared for the inmate a medically
16 recommended intensive supervision plan that requires the inmate to
17 submit to electronic monitoring, places the inmate on
18 super-intensive supervision, or otherwise ensures appropriate
19 supervision of the inmate.

20 (g) If the Texas Correctional Office on Offenders with
21 Medical or Mental Impairments identifies an inmate as a candidate
22 for release under Subsection (a)(1)(A):

23 (1) the division shall notify the victim, guardian of
24 the victim, or close relative of a deceased victim of the
25 consideration by a parole panel described by Subsection (e) of the
26 inmate for release under this section in the same manner as the
27 division notifies a victim, guardian of a victim, or close relative

1 of a deceased victim under Section 508.117;

2 (2) the parole panel shall allow the victim, guardian
3 of the victim, or close relative of a deceased victim to appear in
4 person before the board members to present a statement described by
5 Section 508.153(a)(2); and

6 (3) before making the determination described by
7 Subsection (a)(2), the parole panel must review the circumstances
8 surrounding the commission of the instant offense.

9 (h) For purposes of Subsection (g):

10 (1) "close relative of a deceased victim," "guardian
11 of a victim," and "victim" have the meanings assigned by Section
12 508.117; and

13 (2) if more than one person is authorized to appear in
14 person before the board members under Subsection (g)(2), the only
15 person entitled to appear is the person chosen as the persons' sole
16 representative by all persons authorized to appear.

17 SECTION 2. Section 508.146, Government Code, as amended by
18 this Act, applies to the release of an inmate under that section on
19 or after the effective date of this Act, regardless of when the
20 offense for which the inmate is serving a sentence was committed.

21 SECTION 3. This Act takes effect September 1, 2013.