

By: West

S.B. No. 991

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the release of certain inmates on medically recommended  
3 intensive supervision.

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

5 SECTION 1. Subsections (a) and (d), Section 508.115,  
6 Government Code, are amended to read as follows:

7 (a) Not later than the 11th day before the date a parole  
8 panel orders the release of an inmate on parole or medically  
9 recommended intensive supervision [~~of an inmate~~] or not later than  
10 the 11th day after the date the board recommends that the governor  
11 grant executive clemency, the division shall notify the sheriffs,  
12 each chief of police, the prosecuting attorneys, and the district  
13 judges in the county in which the inmate was convicted and the  
14 county to which the inmate is released that a parole panel is  
15 considering release on parole or medically recommended intensive  
16 supervision or the governor is considering clemency.

17 (d) The notice must include [~~state~~]:

18 (1) the inmate's name;

19 (2) the county in which the inmate was convicted;

20 [~~and~~]

21 (3) the offense for which the inmate was convicted;

22 and

23 (4) to the extent permitted by federal law,  
24 information relating to the inmate's physical or mental health

1 condition if the inmate is being considered for release on  
2 medically recommended intensive supervision under Section 508.146.

3 SECTION 2. Section 508.146, Government Code, is amended by  
4 amending Subsections (a), (e), and (f) and adding Subsection (g) to  
5 read as follows:

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

16 (1) the Texas Correctional Office on Offenders with  
17 Medical or Mental Impairments, in cooperation with the Correctional  
18 Managed Health Care Committee, identifies the inmate as [~~being~~]:

19 (A) [~~elderly, physically disabled, mentally ill,~~  
20 ~~terminally ill, or mentally retarded or having a condition]~~  
21 requiring permanent long-term care, having a terminal illness, or  
22 being a person with a severe and persistent mental illness or  
23 intellectual and developmental disability, if the inmate is an  
24 inmate who does not have a reportable conviction or adjudication  
25 under Chapter 62, Code of Criminal Procedure [~~with an instant~~  
26 ~~offense that is described in Section 3g, Article 42.12, Code of~~  
27 ~~Criminal Procedure~~]; or

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

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

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

16 (e) Only a parole panel [~~panels~~] composed of three [~~the~~  
17 ~~presiding officer of the board and two~~] members appointed to the  
18 panel by the presiding officer may make determinations regarding  
19 the release of inmates on medically recommended intensive  
20 supervision under Subsection (a) or of inmates released pending  
21 deportation. If the Texas Correctional Office [~~Council~~] on  
22 Offenders with Medical or Mental Impairments identifies an inmate  
23 as a candidate for release under the guidelines established by  
24 Subsection (a)(1), the office [~~council~~] shall present to a parole  
25 panel described by this subsection relevant information concerning  
26 the inmate and the inmate's potential for release under this  
27 section.

1           (f) An inmate who is not a citizen of the United States, as  
2 defined by federal law, and who is not under a sentence of death or  
3 life without parole [~~, and who does not have a reportable conviction~~  
4 ~~or adjudication under Chapter 62, Code of Criminal Procedure, or an~~  
5 ~~instant offense described in Section 3g, Article 42.12, Code of~~  
6 ~~Criminal Procedure,~~] may be released to immigration authorities  
7 pending deportation on a date designated by a parole panel  
8 described by Subsection (e) if the parole panel determines that on  
9 release the inmate would be deported to another country and that the  
10 inmate does not constitute a threat to public safety in the other  
11 country or this country and is unlikely to reenter this country  
12 illegally.

13           (g) For purposes of Subsection (a), "terminal illness"  
14 means an incurable illness or condition that requires skilled  
15 nursing care, hospice care, or home health care, and is expected to  
16 result in death in one year or less regardless of life-sustaining  
17 treatment.

18           SECTION 3. (a) The Texas Department of Criminal Justice,  
19 the Department of Aging and Disability Services, and the Health and  
20 Human Services Commission jointly shall conduct a study regarding  
21 the feasibility of contracting with a private entity to house  
22 inmates released on medically recommended intensive supervision  
23 under Section 508.146, Government Code, as amended by this Act, who  
24 require skilled nursing services or 24-hour care.

25           (b) Not later than December 1, 2014, the Texas Department of  
26 Criminal Justice shall report the results of the study conducted  
27 under this section to the governor, the lieutenant governor, the

1 speaker of the house of representatives, and the standing  
2 committees of the house of representatives and the senate with  
3 primary jurisdiction over criminal justice matters.

4 (c) This section expires January 1, 2015.

5 SECTION 4. This Act takes effect September 1, 2013.