

By: West

S.B. No. 991

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain inmates for release on medically recommended intensive supervision.

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

SECTION 1. Sections 508.146(a) and (f), Government Code, are amended to read as follows:

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

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

(A) ~~[elderly, physically disabled, mentally ill, terminally ill, or mentally retarded or having a condition]~~ requiring permanent long-term care or having a terminal illness ~~[, if the inmate is an inmate with an instant offense that is described in Section 3g, Article 42.12, Code of Criminal Procedure]; or~~

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

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

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

17 (f) An inmate who is not a citizen of the United States, as
18 defined by federal law, and who is not under a sentence of death or
19 life without parole~~[, and who does not have a reportable conviction~~
20 ~~or adjudication under Chapter 62, Code of Criminal Procedure, or an~~
21 ~~instant offense described in Section 3g, Article 42.12, Code of~~
22 ~~Criminal Procedure,~~] may be released to immigration authorities
23 pending deportation on a date designated by a parole panel
24 described by Subsection (e) if the parole panel determines that on
25 release the inmate would be deported to another country and that the
26 inmate does not constitute a threat to public safety in the other
27 country or this country and is unlikely to reenter this country

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1 illegally.

2 SECTION 2. This Act takes effect September 1, 2013.