

By: Hegar
(Herrero)

S.B. No. 1522

A BILL TO BE ENTITLED

AN ACT

relating to the procedures applicable to the revocation of a person's release on parole or to mandatory supervision.

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

SECTION 1. Subsection (c), Section 508.251, Government Code, is amended to read as follows:

(c) Instead of the issuance of a warrant under this section, the division:

(1) may issue to the person a summons requiring the person to appear for a hearing under Section 508.281 if the person is not a releasee who is:

(A) on intensive supervision or superintensive supervision;

(B) an absconder; or

(C) determined by the division to be a threat to public safety; and

(2) shall issue to the person a summons requiring the person to appear for a hearing under Section 508.281 if the person:

(A) is charged only with committing an administrative violation of release [~~that is alleged to have been committed after the third anniversary of the date the person was released on parole or to mandatory supervision~~];

(B) is not serving a sentence for, and has not been previously convicted of:

1 (i) ~~[7]~~ an offense listed in or described by
2 Article 62.001(5), Code of Criminal Procedure;

3 (ii) an offense under Chapter 29, Penal
4 Code, or an offense under Title 5, Penal Code, punishable as a
5 felony; or

6 (iii) an offense involving family violence,
7 as defined by Section 71.004, Family Code; and

8 (C) is not a releasee with respect to whom a
9 summons may not be issued under Subdivision (1).

10 SECTION 2. Section 508.281, Government Code, is amended by
11 adding Subsection (a-1) and amending Subsection (c) to read as
12 follows:

13 (a-1) A hearing for a releasee appearing in response to a
14 summons may not be held in a county jail without the consent of the
15 sheriff of the applicable county.

16 (c) If a ~~[hearing before a]~~ designated agent of the board
17 determines that ~~[is held under this section for]~~ a releasee who
18 appears in compliance with a summons~~[, the sheriff of the county in~~
19 ~~which the releasee is required to appear shall provide the~~
20 ~~designated agent with a place at the county jail to hold the~~
21 ~~hearing. Immediately on conclusion of a hearing in which the~~
22 ~~designated agent determines that a releasee]~~ has violated a
23 condition of release, the agent shall notify the board. After the
24 board or a parole panel makes a final determination regarding the
25 violation, the division may issue a warrant ~~[may be issued]~~
26 requiring the releasee to be held in a [the] county jail pending~~[+~~

27 ~~[(1) the action of a parole panel on any~~

1 ~~recommendations made by the designated agent, and~~
2 ~~[(2) if subsequently ordered by the parole panel,~~ the
3 return of the releasee to the institution from which the releasee
4 was released.

5 SECTION 3. The change in law made by this Act in amending
6 Section 508.251, Government Code, applies only to a releasee for
7 whom a warrant or summons is issued on or after the effective date
8 of this Act. A releasee for whom a warrant or summons is issued
9 before the effective date of this Act is governed by the law in
10 effect on the date the warrant or summons was issued, and the former
11 law is continued in effect for that purpose.

12 SECTION 4. The change in law made by this Act in amending
13 Section 508.281, Government Code, applies only to a hearing held on
14 or after the effective date of this Act. A hearing held before the
15 effective date of this Act is governed by the law in effect on the
16 date the hearing was held, and the former law is continued in effect
17 for that purpose.

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