

By: Hegar

S.B. No. 1522

A BILL TO BE ENTITLED

AN ACT

relating to the responsibility of the county to hold certain persons in county jail before a return or transfer of the person to the Texas Department of Criminal Justice.

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

SECTION 1. Section 499.071, Government Code, is amended to read as follows:

Sec. 499.071. SCHEDULED ADMISSIONS POLICY. The board shall adopt and enforce a scheduled admissions policy that:

(1) permits the department [~~institutional division~~] to accept inmates within 45 days of processing as required by Section 499.121(c); and

(2) requires the department to accept inmates within 40 days of processing as required by Section 499.121(c-1).

SECTION 2. Section 499.121, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Notwithstanding Subsection (c), on and after September 1, 2013, the department has a duty to accept, not later than the 40th day after the date on which all processing required for transfer has been completed, each inmate confined in a county jail while under an order of commitment to the department following conviction of a felony of the first, second, or third degree or a capital felony.

SECTION 3. Section 508.254(c), Government Code, is amended

1 to read as follows:

2 (c)(1) Except as otherwise provided by this subsection,  
3 pending [~~Pending~~] a hearing on a charge of parole violation,  
4 ineligible release, or violation of a condition of mandatory  
5 supervision, a person returned to custody shall remain confined.

6 (2) A magistrate of the county in which the person is  
7 held in custody may release the person on bond pending the hearing  
8 if:

9 (A) the person is arrested only on a charge that  
10 the person has committed an administrative violation of a condition  
11 of release;

12 (B) the person is not charged with and has not  
13 been previously convicted of:

14 (i) an offense under Chapter 29, Penal  
15 Code, or an offense under Title 5, Penal Code, punishable as a  
16 felony; or

17 (ii) an offense involving family violence,  
18 as defined by Section 71.004, Family Code; and

19 (C) the board provides the magistrate with  
20 written approval.

21 (3) The provisions of Chapters 17 and 22, Code of  
22 Criminal Procedure, apply to a person released under this  
23 subsection in the same manner as those provisions apply to a person  
24 released pending an appearance before a court or magistrate, except  
25 that the release under this subsection is conditioned on the  
26 person's appearance at a hearing under this subchapter.

27 SECTION 4. Section 508.282(a), Government Code, is amended

1 to read as follows:

2 (a) Except as provided by Subsection (b), a parole panel, a  
3 designee of the board, or the department shall dispose of the  
4 charges against an inmate or person described by Section  
5 508.281(a):

6 (1) before the 36th [~~41st~~] day after the date on which:

7 (A) a warrant issued as provided by Section  
8 508.251 is executed, if the inmate or person is arrested only on a  
9 charge that the inmate or person has committed an administrative  
10 violation of a condition of release, and the inmate or person is not  
11 charged before the 36th [~~41st~~] day with the commission of an offense  
12 described by Section 508.2811(2)(B); or

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

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

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

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

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

27 (B) the inmate or person is transferred to the

1 custody of the department under Section 508.284.

2           SECTION 5. The changes in law made by this Act in amending  
3 Sections 499.071 and 499.121, Government Code, apply only to the  
4 acceptance by the Texas Department of Criminal Justice of an inmate  
5 who is confined in a county jail and is under an order of commitment  
6 to the department that is entered on or after the effective date of  
7 this Act. The acceptance by the Texas Department of Criminal  
8 Justice of an inmate who is confined in a county jail and is under an  
9 order of commitment to the department that is entered before the  
10 effective date of this Act is governed by the law in effect on the  
11 date the order of commitment was entered, and the former law is  
12 continued in effect for that purpose.

13           SECTION 6. The changes in law made by this Act in amending  
14 Sections 508.254(c) and 508.282(a), Government Code, apply only to  
15 a person who on or after the effective date of this Act is charged  
16 with a violation of the person's release on parole or mandatory  
17 supervision. A person who before the effective date of this Act was  
18 charged with a violation of release is governed by the law in effect  
19 when the violation was charged, and the former law is continued in  
20 effect for that purpose.

21           SECTION 7. This Act takes effect September 1, 2013.