

1-1 By: Hegar S.B. No. 1522
1-2 (In the Senate - Filed March 8, 2013; March 19, 2013, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 29, 2013, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 29, 2013,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Carona		X	
1-12	Hinojosa	X		
1-13	Patrick	X		
1-14	Rodriguez	X		
1-15	Schwertner	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1522 By: Hinojosa

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the procedures applicable to the revocation of a
1-20 person's release on parole or to mandatory supervision.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subsection (c), Section 508.251, Government
1-23 Code, is amended to read as follows:

1-24 (c) Instead of the issuance of a warrant under this section,
1-25 the division:

1-26 (1) may issue to the person a summons requiring the
1-27 person to appear for a hearing under Section 508.281 if the person
1-28 is not a releasee who is:

1-29 (A) on intensive supervision or superintensive
1-30 supervision;

1-31 (B) an absconder; or

1-32 (C) determined by the division to be a threat to
1-33 public safety; and

1-34 (2) shall issue to the person a summons requiring the
1-35 person to appear for a hearing under Section 508.281 if the person:

1-36 (A) is charged only with committing an
1-37 administrative violation of release [~~that is alleged to have been~~
1-38 ~~committed after the third anniversary of the date the person was~~
1-39 ~~released on parole or to mandatory supervision~~];

1-40 (B) is not serving a sentence for, and has not
1-41 been previously convicted of:

1-42 (i) [7] an offense listed in or described by
1-43 Article 62.001(5), Code of Criminal Procedure;

1-44 (ii) an offense under Chapter 29, Penal
1-45 Code, or an offense under Title 5, Penal Code, punishable as a
1-46 felony; or

1-47 (iii) an offense involving family violence,
1-48 as defined by Section 71.004, Family Code; and

1-49 (C) is not a releasee with respect to whom a
1-50 summons may not be issued under Subdivision (1).

1-51 SECTION 2. Section 508.281, Government Code, is amended by
1-52 adding Subsection (a-1) and amending Subsection (c) to read as
1-53 follows:

1-54 (a-1) A hearing for a releasee appearing in response to a
1-55 summons may not be held in a county jail without the consent of the
1-56 sheriff of the applicable county.

1-57 (c) If a [hearing before a] designated agent of the board
1-58 determines that [is held under this section for] a releasee who
1-59 appears in compliance with a summons[, the sheriff of the county in
1-60 which the releasee is required to appear shall provide the

2-1 ~~designated agent with a place at the county jail to hold the~~
 2-2 ~~hearing. Immediately on conclusion of a hearing in which the~~
 2-3 ~~designated agent determines that a releasee] has violated a~~
 2-4 ~~condition of release, the agent shall notify the board. After the~~
 2-5 ~~board or a parole panel makes a final determination regarding the~~
 2-6 ~~violation, the division may issue a warrant [may be issued]~~
 2-7 ~~requiring the releasee to be held in a [the] county jail pending[+~~
 2-8 ~~(1) the action of a parole panel on any~~
 2-9 ~~recommendations made by the designated agent, and~~
 2-10 ~~(2) if subsequently ordered by the parole panel,] the~~
 2-11 ~~return of the releasee to the institution from which the releasee~~
 2-12 ~~was released.~~

2-13 SECTION 3. The change in law made by this Act in amending
 2-14 Section 508.251, Government Code, applies only to a releasee for
 2-15 whom a warrant or summons is issued on or after the effective date
 2-16 of this Act. A releasee for whom a warrant or summons is issued
 2-17 before the effective date of this Act is governed by the law in
 2-18 effect on the date the warrant or summons was issued, and the former
 2-19 law is continued in effect for that purpose.

2-20 SECTION 4. The change in law made by this Act in amending
 2-21 Section 508.281, Government Code, applies only to a hearing held on
 2-22 or after the effective date of this Act. A hearing held before the
 2-23 effective date of this Act is governed by the law in effect on the
 2-24 date the hearing was held, and the former law is continued in effect
 2-25 for that purpose.

2-26 SECTION 5. This Act takes effect September 1, 2013.

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