

By: Turner of Harris, Guillen, Deshotel,
Miles

H.B. No. 710

A BILL TO BE ENTITLED

1 AN ACT
2 relating to procedures for certain persons charged with a violation
3 of a condition of release from the Texas Department of Criminal
4 Justice on parole or to mandatory supervision.

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

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

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

10 (1) may issue to the person a summons requiring the
11 person to appear for a hearing under Section 508.281 if the person:

12 (A) is not a releasee who is:

13 (i) ~~[(A)]~~ on intensive supervision or
14 superintensive supervision;

15 (ii) ~~[(B)]~~ an absconder; or

16 (iii) ~~[(C)]~~ determined by the division to
17 be a threat to public safety; or

18 (B) is charged only with committing a new offense
19 that is alleged to have been committed after the first anniversary
20 of the date the person was released on parole or to mandatory
21 supervision if:

22 (i) the new offense is a Class C misdemeanor
23 under the Penal Code, other than an offense committed against a
24 child younger than 17 years of age or an offense involving family

1 violence, as defined by Section 71.004, Family Code;

2 (ii) the person has maintained steady
3 employment for at least one year;

4 (iii) the person has maintained a stable
5 residence for at least one year; and

6 (iv) the person has not previously been
7 charged with an offense after the person was released on parole or
8 to mandatory supervision; and

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

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

15 (B) is not serving a sentence for, and has not
16 been previously convicted of, an offense listed in or described by
17 Article 62.001(5), Code of Criminal Procedure; and

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

20 SECTION 2. Section 508.281(c), Government Code, is amended
21 to read as follows:

22 (c) If a hearing before a designated agent of the board is
23 held under this section for a releasee who appears in compliance
24 with a summons, the sheriff of the county in which the releasee is
25 required to appear shall provide the designated agent with a place
26 at the county jail to hold the hearing. After the board or a parole
27 panel makes a final determination [~~Immediately on conclusion of a~~

1 ~~hearing in which the designated agent determines]~~ that a releasee
2 has violated a condition of release, a warrant may be issued
3 requiring the releasee to be held in the county jail pending:

4 (1) transfer to an intermediate sanction facility ~~[the~~
5 ~~action of a parole panel on any recommendations made by the~~
6 ~~designated agent]; or ~~[and]~~~~

7 (2) ~~[if subsequently ordered by the parole panel,~~ the
8 return of the releasee to the institution from which the releasee
9 was released.

10 SECTION 3. The change in law made by this Act in amending
11 Section 508.251(c), Government Code, applies only to a person who
12 on or after the effective date of this Act is charged with a
13 violation of the terms of the person's release on parole or to
14 mandatory supervision. A person who before the effective date of
15 this Act was charged with a violation of the terms of the person's
16 release is governed by the law in effect when the violation was
17 charged, and the former law is continued in effect for that purpose.

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

24 SECTION 5. This Act takes effect September 1, 2015.