

By: Rodríguez, et al.

S.B. No. 380

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 508.251(c), 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:

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

1                   (ii) a new offense that is alleged to have  
2 been committed after the first anniversary of the date the person  
3 was released on parole or to mandatory supervision if:

4                   (a) the new offense is a Class B or  
5 Class C misdemeanor, other than an offense committed against a  
6 child younger than 17 years of age or an offense involving family  
7 violence, as defined by Section 71.004, Family Code;

8                   (b) the person has maintained steady  
9 employment for at least one year;

10                  (c) the person has maintained a stable  
11 residence for at least one year; and

12                  (d) the person has not previously been  
13 charged with an offense after the person was released on parole or  
14 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. The change in law made by this Act applies only  
21 to a person who on or after the effective date of this Act is charged  
22 with a violation of the terms of the person's release on parole or  
23 to mandatory supervision. A person who before the effective date of  
24 this Act was charged with a violation of the terms of the person's  
25 release is governed by the law in effect when the violation was  
26 charged, and the former law is continued in effect for that purpose.

27                  SECTION 3. This Act takes effect September 1, 2015.