

1-1 By: Rodríguez, et al. S.B. No. 380  
1-2 (In the Senate - Filed January 28, 2015; February 2, 2015,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 7, 2015, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 1; April 7, 2015,  
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	Burton	X		
1-12	Creighton	X		
1-13	Hinojosa	X		
1-14	Menéndez	X		
1-15	Perry	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 380 By: Whitmire

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

1-19 relating to procedures for certain persons charged with a violation  
1-20 of a condition of release from the Texas Department of Criminal  
1-21 Justice on parole or to mandatory supervision.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 508.251(c), Government Code, is amended  
1-24 to read as follows:

1-25 (c) Instead of the issuance of a warrant under this section,  
1-26 the division:

1-27 (1) may issue to the person a summons requiring the  
1-28 person to appear for a hearing under Section 508.281 if the person  
1-29 is not a releasee who is:

1-30 (A) on intensive supervision or superintensive  
1-31 supervision;

1-32 (B) an absconder; or

1-33 (C) determined by the division to be a threat to  
1-34 public safety; and

1-35 (2) shall issue to the person a summons requiring the  
1-36 person to appear for a hearing under Section 508.281 if the person:

1-37 (A) is charged only with committing:

1-38 (i) an administrative violation of release  
1-39 that is alleged to have been committed after the first ~~third~~  
1-40 anniversary of the date the person was released on parole or to  
1-41 mandatory supervision; or

1-42 (ii) a new offense that is alleged to have  
1-43 been committed after the first anniversary of the date the person  
1-44 was released on parole or to mandatory supervision if:

1-45 (a) the new offense is a Class B or  
1-46 Class C misdemeanor, other than an offense committed against a  
1-47 child younger than 17 years of age or an offense involving family  
1-48 violence, as defined by Section 71.004, Family Code;

1-49 (b) the person has maintained steady  
1-50 employment for at least one year;

1-51 (c) the person has maintained a stable  
1-52 residence for at least one year; and

1-53 (d) the person has not previously been  
1-54 charged with an offense after the person was released on parole or  
1-55 to mandatory supervision;

1-56 (B) is not serving a sentence for, and has not  
1-57 been previously convicted of, an offense listed in or described by  
1-58 Article 62.001(5), Code of Criminal Procedure; and

1-59 (C) is not a releasee with respect to whom a  
1-60 summons may not be issued under Subdivision (1).

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

(c) If a hearing before a designated agent of the board is held under this section for a releasee who appears in compliance with a summons, the sheriff of the county in which the releasee is required to appear shall provide the designated agent with a place at the county jail to hold the hearing. After the board or a parole panel makes a final determination ~~[Immediately on conclusion of a hearing in which the designated agent determines]~~ that a releasee has violated a condition of release, a warrant may be issued requiring the releasee to be held in the county jail pending:

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

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

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

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

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

\* \* \* \* \*