

By: Kolkhorst

S.B. No. 790

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 508.254, Government Code, is amended by amending Subsection (c) and adding Subsections (d), (e), and (f) to read as follows:

(c) Except as provided by Subsection (d), pending ~~[Pending]~~ a hearing on a charge of parole violation, ineligible release, or violation of a condition of mandatory supervision, a person returned to custody shall remain confined.

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

(1) the person is arrested or held in custody only on a charge that the person:

(A) committed an administrative violation of release; or

(B) violated a condition of release by committing a new offense for which the person is eligible for release on bond, other than:

(i) an offense punishable as a felony;

(ii) an offense under Title 5 or Chapter 49, Penal Code, punishable as a Class B or Class A misdemeanor; or

(iii) an offense involving family violence,

1 as defined by Section 71.004, Family Code;

2 (2) the division, in accordance with Subsection (e),
3 included notice on the warrant for the person's arrest that the
4 person is eligible for release on bond; and

5 (3) the magistrate determines that the person is not a
6 threat to public safety.

7 (e) The division shall include a notice on the warrant for
8 the person's arrest indicating that the person is eligible for
9 release on bond under Subsection (d) if the division determines
10 that the person:

11 (1) has not been previously convicted of:

12 (A) an offense under Chapter 29, Penal Code;

13 (B) an offense under Title 5, Penal Code,
14 punishable as a felony; or

15 (C) an offense involving family violence, as
16 defined by Section 71.004, Family Code;

17 (2) is not on intensive supervision or super-intensive
18 supervision;

19 (3) is not an absconder; and

20 (4) is not a threat to public safety.

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

27 SECTION 2. Section 508.281(c), Government Code, is amended

1 to read as follows:

2 (c) If a ~~[hearing before a]~~ designated agent of the board
3 determines that ~~[is held under this section for]~~ a releasee who
4 appears in compliance with a summons~~[, the sheriff of the county in~~
5 ~~which the releasee is required to appear shall provide the~~
6 ~~designated agent with a place at the county jail to hold the~~
7 ~~hearing. Immediately on conclusion of a hearing in which the~~
8 ~~designated agent determines that a releasee]~~ has violated a
9 condition of release, the agent shall notify the board. After the
10 board or a parole panel makes a final determination regarding the
11 violation, the division may issue a warrant ~~[may be issued]~~
12 requiring the releasee to be held in a [the] county jail pending~~[+~~
13 ~~[(1) the action of a parole panel on any~~
14 ~~recommendations made by the designated agent, and~~
15 ~~[(2) if subsequently ordered by the parole panel,]~~ the
16 return of the releasee to the institution from which the releasee
17 was released.

18 SECTION 3. The change in law made by this Act in amending
19 Section 508.254, Government Code, applies only to a person who on or
20 after the effective date of this Act is charged with a violation of
21 the person's release on parole or mandatory supervision. A person
22 who before the effective date of this Act was charged with a
23 violation of release is governed by the law in effect when the
24 violation was charged, and the former law is continued in effect for
25 that purpose.

26 SECTION 4. The change in law made by this Act in amending
27 Section 508.281(c), Government Code, applies only to a

1 determination made by a designated agent of the Board of Pardons and
2 Paroles on or after the effective date of this Act. A determination
3 made before the effective date of this Act is governed by the law in
4 effect on the date the determination was made, and the former law is
5 continued in effect for that purpose.

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