

1-1 By: Kolkhorst S.B. No. 790
1-2 (In the Senate - Filed February 25, 2015; March 2, 2015,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 7, 2015, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 7, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>X</u>			
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the procedures applicable to the revocation of a
1-18 person's release on parole or to mandatory supervision.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 508.254, Government Code, is amended by
1-21 amending Subsection (c) and adding Subsections (d), (e), and (f) to
1-22 read as follows:

1-23 (c) Except as provided by Subsection (d), pending [Pending]
1-24 a hearing on a charge of parole violation, ineligible release, or
1-25 violation of a condition of mandatory supervision, a person
1-26 returned to custody shall remain confined.

1-27 (d) A magistrate of the county in which the person is held in
1-28 custody may release the person on bond pending the hearing if:

1-29 (1) the person is arrested or held in custody only on a
1-30 charge that the person:

1-31 (A) committed an administrative violation of
1-32 release; or

1-33 (B) violated a condition of release by committing
1-34 a new offense for which the person is eligible for release on bond,
1-35 other than:

1-36 (i) an offense punishable as a felony;

1-37 (ii) an offense under Title 5 or Chapter 49,
1-38 Penal Code, punishable as a Class B or Class A misdemeanor; or

1-39 (iii) an offense involving family violence,
1-40 as defined by Section 71.004, Family Code;

1-41 (2) the division, in accordance with Subsection (e),
1-42 included notice on the warrant for the person's arrest that the
1-43 person is eligible for release on bond; and

1-44 (3) the magistrate determines that the person is not a
1-45 threat to public safety.

1-46 (e) The division shall include a notice on the warrant for
1-47 the person's arrest indicating that the person is eligible for
1-48 release on bond under Subsection (d) if the division determines
1-49 that the person:

1-50 (1) has not been previously convicted of:

1-51 (A) an offense under Chapter 29, Penal Code;

1-52 (B) an offense under Title 5, Penal Code,
1-53 punishable as a felony; or

1-54 (C) an offense involving family violence, as
1-55 defined by Section 71.004, Family Code;

1-56 (2) is not on intensive supervision or super-intensive
1-57 supervision;

1-58 (3) is not an absconder; and

1-59 (4) is not a threat to public safety.

1-60 (f) The provisions of Chapters 17 and 22, Code of Criminal
1-61 Procedure, apply to a person released under Subsection (d) in the

2-1 same manner as those provisions apply to a person released pending
2-2 an appearance before a court or magistrate, except that the release
2-3 under that subsection is conditioned on the person's appearance at
2-4 a hearing under this subchapter.

2-5 SECTION 2. Section 508.281(c), Government Code, is amended
2-6 to read as follows:

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

2-18 ~~[(1) the action of a parole panel on any~~
2-19 ~~recommendations made by the designated agent; and~~

2-20 ~~[(2) if subsequently ordered by the parole panel,]~~ the
2-21 return of the releasee to the institution from which the releasee
2-22 was released.

2-23 SECTION 3. The change in law made by this Act in amending
2-24 Section 508.254, Government Code, applies only to a person who on or
2-25 after the effective date of this Act is charged with a violation of
2-26 the person's release on parole or mandatory supervision. A person
2-27 who before the effective date of this Act was charged with a
2-28 violation of release is governed by the law in effect when the
2-29 violation was charged, and the former law is continued in effect for
2-30 that purpose.

2-31 SECTION 4. The change in law made by this Act in amending
2-32 Section 508.281(c), Government Code, applies only to a
2-33 determination made by a designated agent of the Board of Pardons and
2-34 Paroles on or after the effective date of this Act. A determination
2-35 made before the effective date of this Act is governed by the law in
2-36 effect on the date the determination was made, and the former law is
2-37 continued in effect for that purpose.

2-38 SECTION 5. This Act takes effect September 1, 2015.

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