

## **BILL ANALYSIS**

C.S.H.B. 618  
By: Leach  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties are concerned that there is insufficient communication from the Texas Department of Criminal Justice (TDCJ) to criminal justice agencies regarding certain TDCJ releasees. C.S.H.B. 618 seeks to address this issue by providing for certain notices and information regarding those releasees.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 618 amends the Government Code to change from the pardons and paroles division of the Texas Department of Criminal Justice (TDCJ) to the Board of Pardons and Paroles the entity required to, not later than the 11th day after the date the board recommends that the governor grant executive clemency to an individual, notify the sheriff, each chief of police, the prosecuting attorneys, and the district judges in the county in which the individual was convicted that the governor is considering clemency. The bill requires the board, if the prosecution of a case was originated in a county other than the county in which the conviction occurred, to also notify such officers who serve the originating county, subject to the same deadline. The bill includes the individual's age, sex, and race in the required notice content, specifies that the required inclusion of the individual's photograph applies if the photo is available, and requires the notices to be provided by e-mail or other electronic communication. The bill expands the required contents of the notice given by the pardons and paroles division to applicable sheriffs, chiefs of police, prosecuting attorneys, and district judges in relation to the release on parole of an inmate to include the inmate's age, sex, and race; a photograph of the inmate; and, if applicable, the address at which the inmate will reside, the name of the inmate's parole supervisor or the director of the halfway house to which the inmate is transferred, as appropriate, and the rules or conditions of the inmate's release. These provisions apply only to a recommendation by the board that the governor grant executive clemency that is made on or after, and the consideration by a parole panel of the release of an inmate or the transfer of an inmate to a halfway house that occurs on or after, January 1, 2018.

C.S.H.B. 618 requires the pardons and paroles division to establish not later than January 1, 2018, and maintain a database for the purpose of providing real time information about releasees to criminal justice agencies. The bill sets out the identifying information about a releasee the database must contain, to the extent that the information is available, and requires the database to

be updated as soon as practicable after a parole officer learns of a change in any such information. The bill authorizes the division, in establishing the database, to utilize an existing database that is maintained by TDCJ.

C.S.H.B. 618 requires TDCJ to provide notice of a warrant issued on or after January 1, 2018, in a case of parole or mandatory supervision to each law enforcement agency whose jurisdiction includes the residence of the releasee, according to TDCJ records.

**EFFECTIVE DATE**

September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 618 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

**INTRODUCED**

No equivalent provision.

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Subchapter B, Chapter 508, Government Code, is amended by adding Section 508.0505 to read as follows:

Sec. 508.0505. NOTIFICATION OF EXECUTIVE CLEMENCY RECOMMENDATION.

(a) Not later than the 11th day after the date the board recommends that the governor grant executive clemency, the board shall notify the sheriff, each chief of police, the prosecuting attorneys, and the district judges in the county in which the individual was convicted that the governor is considering clemency.

(b) If the prosecution of a case was originated in a county other than the county in which the conviction occurred, the board shall also notify the officers listed in Subsection (a) who serve the originating county, subject to the same deadline imposed by Subsection (a).

(c) The notice under Subsection (a) or (b) must include:

(1) the individual's name, age, sex, and race;

(2) a photograph of the individual, if available;

(3) the county in which the individual was convicted; and

(4) the offense for which the individual was convicted.

(d) The notice under Subsection (a) or (b) must be provided by e-mail or other electronic communication.

SECTION 1. Sections 508.115(a) and (d), Government Code, are amended to read as follows:

(a) Not later than the 11th day before the date a parole panel orders the release on parole of an inmate or not later than the 11th day after the date the board recommends that the governor grant executive clemency, the division shall give notice in accordance with Subsection (d) to ~~notify~~ the sheriffs, each chief of police, the prosecuting attorneys, and the district judges in the county in which the inmate was convicted and the county to which the inmate is released that a parole panel is considering release on parole or the governor is considering clemency.

(d) The notice must include [state]:

(1) the inmate's name, age, sex, and race;

(2) a photograph of the inmate;

(3) if applicable:

(A) the address at which the inmate will reside;

(B) the name of the inmate's parole supervisor or the director of the halfway house to which the inmate is transferred, as appropriate; and

(C) the rules or conditions of the inmate's release;

(4) [(2)] the county in which the inmate was convicted; and

(5) [(3)] the offense for which the inmate was convicted.

SECTION 2. Subchapter D, Chapter 508, Government Code, is amended by adding Section 508.120 to read as follows:

Sec. 508.120. RELEASEE DATABASE.

(a) In this section, "criminal justice agency" has the meaning assigned by Article 60.01, Code of Criminal Procedure.

(b) The division shall establish and maintain a database for the purpose of providing real time information about releasees to criminal justice agencies.

(c) The database:

(1) must contain the following information about a releasee, to the extent that the information is available:

(A) a photograph;

(B) a physical description;

(C) gang affiliation;

(D) residential history;

(E) family history;

(F) employment history;

SECTION 2. Sections 508.115(a) and (d), Government Code, are amended to read as follows:

(a) Not later than the 11th day before the date a parole panel orders the release on parole of an inmate ~~or not later than the 11th day after the date the board recommends that the governor grant executive clemency~~, the division shall give notice in accordance with Subsection (d) to ~~notify~~ the sheriffs, each chief of police, the prosecuting attorneys, and the district judges in the county in which the inmate was convicted and the county to which the inmate is released that a parole panel is considering release on parole ~~or the governor is considering clemency~~.

(d) The notice must include [state]:

(1) the inmate's name, age, sex, and race;

(2) a photograph of the inmate;

(3) if applicable:

(A) the address at which the inmate will reside;

(B) the name of the inmate's parole supervisor or the director of the halfway house to which the inmate is transferred, as appropriate; and

(C) the rules or conditions of the inmate's release;

(4) [(2)] the county in which the inmate was convicted; and

(5) [(3)] the offense for which the inmate was convicted.

SECTION 3. Subchapter D, Chapter 508, Government Code, is amended by adding Section 508.120 to read as follows:

Sec. 508.120. RELEASEE DATABASE.

(a) In this section, "criminal justice agency" has the meaning assigned by Article 60.01, Code of Criminal Procedure.

(b) The division shall establish and maintain a database for the purpose of providing real time information about releasees to criminal justice agencies.

(c) The database:

(1) must contain the following information about a releasee, to the extent that the information is available:

(A) a photograph;

(B) a physical description;

(C) gang affiliation;

(D) residential history;

(E) employment history; and

(G) a list of persons who visited the releasee during the releasee's confinement by the department;

(H) the make, model, and license plate number of any vehicle operated by the releasee; and

(I) any other information that the division considers appropriate; and

(2) must be updated as soon as practicable after a parole officer learns of a change in any information described by Subdivision (1).

(d) In establishing a database under this section, the division may utilize an existing database that is maintained by the department, including the corrections tracking system established under Article 60.02, Code of Criminal Procedure.

SECTION 3. Subchapter H, Chapter 508, Government Code, is amended.

SECTION 4.

(a) Section 508.115, Government Code, as amended by this Act, applies only to the consideration by a parole panel of the release of an inmate or the transfer of an inmate to a halfway house that occurs on or after the effective date of this Act or to a recommendation that the governor grant executive clemency that is made on or after the effective date of this Act.

(b) Section 508.2511, Government Code, as added by this Act, applies only to a warrant issued under Subchapter H, Chapter 508, Government Code, on or after the effective date of this Act.

No equivalent provision.

(F) the make, model, and license plate number of any vehicle operated by the releasee; and

(2) must be updated as soon as practicable after a parole officer learns of a change in any information described by Subdivision (1).

(d) In establishing a database under this section, the division may utilize an existing database that is maintained by the department, including the corrections tracking system established under Article 60.02, Code of Criminal Procedure.

SECTION 4. Same as introduced version.

SECTION 5. (a) Section 508.0505, Government Code, as added by this Act, applies only to a recommendation by the Board of Pardons and Paroles that the governor grant executive clemency that is made on or after January 1, 2018. A recommendation by the Board of Pardons and Paroles that the governor grant executive clemency that is made before January 1, 2018, is governed by Section 508.115, Government Code, as that law existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) Section 508.115, Government Code, as amended by this Act, applies only to the consideration by a parole panel of the release of an inmate or the transfer of an inmate to a halfway house that occurs on or after January 1, 2018. The consideration by a parole panel of the release or transfer of an inmate that occurs before January 1, 2018, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(c) Section 508.2511, Government Code, as added by this Act, applies only to a warrant issued under Subchapter H, Chapter 508, Government Code, on or after January 1, 2018.

SECTION 6. Not later than January 1,

2018, the pardons and paroles division of the Texas Department of Criminal Justice shall establish the database required by Section 508.120, Government Code, as added by this Act.

SECTION 5. This Act takes effect September 1, 2017.

SECTION 7. Same as introduced version.