

BILL ANALYSIS

C.S.H.B. 3829
By: Schaefer
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have called for further clarity in defining what constitutes an administrative violation for purposes of parole and mandatory supervision. C.S.H.B. 3829 seeks to provide this clarity by defining "administrative violation" for those purposes.

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. 3829 amends the Government Code to define "administrative violation," for purposes of statutory provisions governing parole and mandatory supervision, as a technical violation of a condition of release on parole or to mandatory supervision that does not involve alleged criminal conduct.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3829 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

SECTION 1. Section 508.001, Government Code is amended to read as follows:

Sec. 508.001. DEFINITIONS. In this chapter:

(1) "Administrative Violation" means a technical violation of parole or mandatory

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 508.001, Government Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Administrative violation" means a technical violation of a condition of release

supervision which does not allege criminal conduct.

~~(1)~~(2) "Board" means the Board of Pardons and Paroles.

~~(2)~~(3) "Community supervision and corrections department" means a department established under Chapter 76.

~~(3)~~(4) "Director" means the director of the pardons and paroles division.

~~(4)~~(5) "Division" means the pardons and paroles division.

~~(5)~~(6) "Mandatory supervision" means the release of an eligible inmate sentenced to the institutional division so that the inmate may serve the remainder of the inmate's sentence not on parole but under the supervision of the pardons and paroles division.

~~(6)~~(7) "Parole" means the discretionary and conditional release of an eligible inmate sentenced to the institutional division so that the inmate may serve the remainder of the inmate's sentence under the supervision of the pardons and paroles division.

~~(7)~~(8) "Parole officer" means a person appointed by the director and assigned the duties of assessment of risks and needs, investigation, case management, and supervision of releasees to ensure that releasees are complying with the conditions of parole or mandatory supervision.

~~(8)~~(9) "Parole commissioner" means a person employed by the board to perform the duties described by Section 508.0441.

~~(9)~~(10) "Releasee" means a person released on parole or to mandatory supervision.

~~(10)~~(11) "Presiding officer" means the presiding officer of the Board of Pardons and Paroles.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

on parole or to mandatory supervision that does not involve alleged criminal conduct.

~~(1-a)~~ "Board" means the Board of Pardons and Paroles.

SECTION 2. This Act takes effect September 1, 2017.