

By: Leach

H.B. No. 618

Substitute the following for H.B. No. 618:

By: Sanford

C.S.H.B. No. 618

A BILL TO BE ENTITLED

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AN ACT

2 relating to certain notices and information about certain releasees
3 from the Texas Department of Criminal Justice that are provided to
4 or made accessible to criminal justice agencies and to notification
5 of an executive clemency recommendation by the Board of Pardons and
6 Paroles.

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

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

10 Sec. 508.0505. NOTIFICATION OF EXECUTIVE CLEMENCY
11 RECOMMENDATION. (a) Not later than the 11th day after the date the
12 board recommends that the governor grant executive clemency, the
13 board shall notify the sheriff, each chief of police, the
14 prosecuting attorneys, and the district judges in the county in
15 which the individual was convicted that the governor is considering
16 clemency.

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

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

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

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

1 (3) the county in which the individual was convicted;
2 and
3 (4) the offense for which the individual was
4 convicted.

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

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

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

18 (d) The notice must include [state]:

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

20 (2) a photograph of the inmate;

21 (3) if applicable:

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

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

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

1 (4) [~~(2)~~] the county in which the inmate was
2 convicted; and

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

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

7 Sec. 508.120. RELEASEE DATABASE. (a) In this section,
8 "criminal justice agency" has the meaning assigned by Article
9 60.01, Code of Criminal Procedure.

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

13 (c) The database:

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

16 (A) a photograph;

17 (B) a physical description;

18 (C) gang affiliation;

19 (D) residential history;

20 (E) employment history; and

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

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

26 (d) In establishing a database under this section, the
27 division may utilize an existing database that is maintained by the

1 department, including the corrections tracking system established
2 under Article 60.02, Code of Criminal Procedure.

3 SECTION 4. Subchapter H, Chapter 508, Government Code, is
4 amended by adding Section 508.2511 to read as follows:

5 Sec. 508.2511. NOTICE OF WARRANT ISSUANCE. The department
6 shall provide notice of a warrant issued under this subchapter to
7 each law enforcement agency whose jurisdiction includes the
8 residence of the releasee, according to the department's records.

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

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

26 (c) Section 508.2511, Government Code, as added by this Act,
27 applies only to a warrant issued under Subchapter H, Chapter 508,

1 Government Code, on or after January 1, 2018.

2 SECTION 6. Not later than January 1, 2018, the pardons and
3 paroles division of the Texas Department of Criminal Justice shall
4 establish the database required by Section 508.120, Government
5 Code, as added by this Act.

6 SECTION 7. This Act takes effect September 1, 2017.