86R11996 JRR-D

By:  West S.B. No. 1687

A BILL TO BE ENTITLED

AN ACT

relating to the release of certain inmates on medically recommended intensive supervision.

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

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 of an inmate on parole or medically recommended intensive supervision [~~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 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 medically recommended intensive supervision or the governor is considering clemency.

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

(1)  the inmate's name;

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

(3)  the offense for which the inmate was convicted; and

(4)  to the extent permitted by federal law, information relating to the inmate's physical or mental health condition if the inmate is being considered for release on medically recommended intensive supervision under Section 508.146.

SECTION 2.  Section 508.146, Government Code, is amended by amending Subsections (a) and (e) and adding Subsection (g) to read as follows:

(a)  An inmate other than an inmate who is serving a sentence of death or life without parole may be released on medically recommended intensive supervision on a date designated by a parole panel described by Subsection (e), except that an inmate with an instant offense that is an offense described in Article 42A.054, Code of Criminal Procedure, or an inmate who has a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, may only be considered if a medical condition of terminal illness or long-term care has been diagnosed by a physician, if:

(1)  the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the Correctional Managed Health Care Committee, identifies the inmate as [~~being~~]:

(A)  [~~a person who is elderly or terminally ill, a person with mental illness, an intellectual disability, or a physical disability, or a person who has a condition~~] requiring permanent long-term care, having a terminal illness, or being a person with a severe and persistent mental illness or intellectual and developmental disability, if the inmate is an inmate with an instant offense that is described in Article 42A.054, Code of Criminal Procedure; or

(B)  being in a persistent vegetative state or being a person with an organic brain syndrome with significant to total mobility impairment, if the inmate is an inmate who has a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure;

(2)  the parole panel determines that, based on the inmate's condition and a medical evaluation, the inmate does not constitute a threat to public safety; and

(3)  the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the [~~pardons and paroles~~] division, has prepared for the inmate a medically recommended intensive supervision plan that requires the inmate to submit to electronic monitoring, places the inmate on super-intensive supervision, or otherwise ensures appropriate supervision of the inmate.

(e)  Only a parole panel [~~panels~~] composed of three [~~the presiding officer of the~~] board [~~and two~~] members appointed to the panel by the presiding officer may make determinations regarding the release of inmates on medically recommended intensive supervision under Subsection (a) or of inmates released pending deportation. If the Texas Correctional Office [~~Council~~] on Offenders with Medical or Mental Impairments identifies an inmate as a candidate for release under the guidelines established by Subsection (a)(1), the office [~~council~~] shall present to a parole panel described by this subsection relevant information concerning the inmate and the inmate's potential for release under this section.

(g)  For purposes of Subsection (a), "terminal illness" means an incurable illness or condition that is expected to result in death within one year regardless of life-sustaining treatment.

SECTION 3.  (a) The Texas Department of Criminal Justice and the Health and Human Services Commission jointly shall conduct a study regarding the feasibility of contracting with a private entity to house inmates released on medically recommended intensive supervision under Section 508.146, Government Code, as amended by this Act, who require skilled nursing services or 24-hour care.

(b)  Not later than December 1, 2020, the Texas Department of Criminal Justice shall report the results of the study conducted under this section to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees of the house of representatives and the senate with primary jurisdiction over criminal justice matters.

(c)  This section expires January 1, 2021.

SECTION 4.  This Act takes effect September 1, 2019.