

By: Bowers

H.B. No. 2559

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the issuance of a summons for certain persons charged
3 with a violation of a condition of release on parole or to mandatory
4 supervision.

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

6 SECTION 1. Section 508.251, Government Code, is amended by
7 amending Subsections (c) and (c-1) and adding Subsection (c-2) to
8 read as follows:

9 (c) Notwithstanding Subsection (a), instead ~~[Instead]~~ of
10 the issuance of a warrant under this section, the division shall ~~[+~~
11 ~~[(1) may]~~ issue to the person a summons requiring the
12 person to appear for a hearing under Section 508.281 if the person:

13 (1) [(A)] is not a releasee who is:

14 (A) [(i)] on intensive supervision or
15 superintensive supervision;

16 (B) [(ii)] an absconder; or

17 (C) [(iii)] determined by the division to be a
18 threat to public safety; ~~[or]~~

19 (D) is not serving a sentence for, and has not
20 been previously convicted of, an offense listed in or described by
21 Article 62.001(5), Code of Criminal Procedure; or

22 (2) [(B)] is not a releasee described in Paragraph
23 (1) and is charged only with committing:

24 (A) a new offense that is alleged to have been

1 committed after the first anniversary of the date the person was
2 released on parole or to mandatory supervision if:

3 (i) the new offense is a Class C misdemeanor
4 under the Penal Code, other than an offense committed against a
5 child younger than 17 years of age or an offense involving family
6 violence, as defined by Section 71.004, Family Code;

7 (ii) the person has maintained steady
8 employment for at least one year;

9 (iii) the person has maintained a stable
10 residence for at least one year; and

11 (iv) the person has not previously been
12 charged with an offense after the person was released on parole or
13 to mandatory supervision; or

14 (B) and

15 ~~[(2) shall issue to the person a summons requiring the~~
16 ~~person to appear for a hearing under Section 508.281 if the person:~~

17 ~~[(A) is charged only with committing] an~~
18 administrative violation of release that is alleged to have been
19 committed after the first anniversary of the date the person was
20 released on parole or to mandatory supervision [~~+~~

21 ~~[(B) is not serving a sentence for, and has not~~
22 ~~been previously convicted of, an offense listed in or described by~~
23 ~~Article 62.001(5), Code of Criminal Procedure, and~~

24 ~~[(C) is not a releasee with respect to whom a~~
25 ~~summons may not be issued under Subdivision (1)].~~

26 (c-1) A warrant may not be issued for the return of a person
27 described by Subsection (c) unless the person has previously failed

1 to appear for a hearing in response to a summons issued under that
2 subsection.

3 (c-2) A summons issued under Subsection (c) must state the
4 time, date, place, and purpose of the hearing.

5 SECTION 2. This Act takes effect September 1, 2019.