

By: Bowers

H.B. No. 2559

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

(3) [(B)] is charged only with committing:

(A) a new offense that is alleged to have been committed after the first anniversary of the date the person was

1 released on parole or to mandatory supervision if:

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

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

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

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

13 (B) ~~and~~

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

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

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

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

25 (c-1) A warrant may not be issued for the return of a person
26 described by Subsection (c) unless the person has previously failed
27 to appear for a hearing in response to a summons issued under that

1 subsection.

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

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