

By: West

S.B. No. 1687

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the release of certain inmates on medically recommended  
3 intensive supervision.

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

5 SECTION 1. Sections 508.115(a) and (d), Government Code,  
6 are amended to read as follows:

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

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

18 (1) the inmate's name;

19 (2) the county in which the inmate was convicted;

20 [~~and~~]

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

22 and

23 (4) to the extent permitted by federal law,  
24 information relating to the inmate's physical or mental health

1 condition if the inmate is being considered for release on  
2 medically recommended intensive supervision under Section 508.146.

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

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

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

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

27 (B) being in a persistent vegetative state or

1 being a person with an organic brain syndrome with significant to  
2 total mobility impairment, if the inmate is an inmate who has a  
3 reportable conviction or adjudication under Chapter 62, Code of  
4 Criminal Procedure;

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

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

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

27 (g) For purposes of Subsection (a), "terminal illness"

1 means an incurable illness or condition that is expected to result  
2 in death within one year regardless of life-sustaining treatment.

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

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

15 (c) This section expires January 1, 2021.

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