87R10044 MCF-D

By:  J. Johnson of Harris H.B. No. 2648

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 released on parole or to mandatory supervision if:

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

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

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

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

(B)  [~~and~~

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

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

[~~(B)  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~~

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

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

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

SECTION 2.  This Act takes effect September 1, 2021.