87R11144 MCF-D

By:  J. Johnson of Harris H.B. No. 2806

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(c), Government Code, is amended to read as follows:

(c)  Instead of the issuance of a warrant under this section, the division:

(1)  may issue to the person a summons requiring the person to appear for a hearing under Section 508.281 if the person:

(A)  is not a releasee who is:

(i)  on intensive supervision or superintensive supervision;

(ii)  an absconder; or

(iii)  determined by the division to be a threat to public safety; or

(B)  is charged only with committing 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; 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:

(i)  a new offense for which the person has been released on bond; or

(ii)  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).

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