88R6546 MCF-F

By:  Sherman, Sr. H.B. No. 5114

A BILL TO BE ENTITLED

AN ACT

relating to the award of work-for-time credits to certain persons placed on community supervision or released on parole or to mandatory supervision.

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

SECTION 1.  This Act may be cited as the Earning Safe Reentry Through Work Act.

SECTION 2.  Subchapter O, Chapter 42A, Code of Criminal Procedure, is amended by adding Articles 42A.703 and 42A.704 to read as follows:

Art. 42A.703.  WORK-FOR-TIME CREDIT. (a) In this article:

(1)  "Business day" means a day other than Saturday, Sunday, or a state or federal holiday.

(2)  "Division" means the community justice assistance division of the Texas Department of Criminal Justice.

(3)  "Supporting documentation" means documentation verifying a defendant's employment, including an employment record, letter, or contract or pay stubs.

(b)  Except as provided by Subsection (c), a defendant placed on community supervision is entitled to receive time credits toward the completion of the defendant's period of community supervision in an amount equal to five days for each 30-day period in which the defendant was employed not less than 130 hours, as verified under Subsection (e).

(c)  A defendant may not receive time credits under this article during the 60-day period preceding the expiration of the defendant's period of community supervision, taking into account any time credits to which the defendant is entitled under this article and Article 42A.702.

(d)  A defendant shall, for each 30-day period described by Subsection (b), submit to the defendant's supervision officer supporting documentation not later than the fifth business day after the expiration of the 30-day period.

(e)  A supervision officer to whom supporting documentation is submitted under Subsection (d) shall:

(1)  verify the defendant was employed not less than 130 hours during the 30-day period; and

(2)  enter the supporting documentation and record the time credits received in the system developed under Subsection (g) not later than the fifth business day after receiving the supporting documentation.

(f)  If a supervision officer is not able to verify the defendant's employment according to the received supporting documentation, the officer shall:

(1)  deny the time credits; and

(2)  record the denial in the system developed under Subsection (g).

(g)  The division shall:

(1)  establish a system to record and track time credits received or denied under this article; and

(2)  require each community supervision and corrections department established under Chapter 76, Government Code, to use the system.

(h)  The court that convicted the defendant shall order that all of the time credits to which the defendant is entitled under this article be forfeited if, before the expiration of the period of community supervision:

(1)  the court revokes the defendant's community supervision; or

(2)  the defendant is convicted of a new offense, other than a traffic offense that is punishable by fine only.

(i)  Not later than the 60th day before the expiration of the defendant's period of community supervision, taking into account any time credits to which the defendant is entitled under this article and Article 42A.702, the defendant's supervision officer shall notify the court that convicted the defendant of the time credits received by the defendant under this article.

Art. 42A.704.  NOTIFICATION TO COURT OF TIME CREDITS. A defendant's supervision officer shall notify the court if the time credits to which the defendant is entitled under Articles 42A.702 and 42A.703, cumulated with the amount of the original community supervision period the defendant has completed, allow or require the court to conduct a review of the defendant's community supervision under Article 42A.701. On receipt of the notice from the supervision officer, the court shall conduct the review of the defendant's community supervision to determine if the defendant is eligible for a reduction or termination of community supervision under Article 42A.701, taking into account any time credits to which the defendant is entitled under Articles 42A.702 and 42A.703 in determining if the defendant has completed, as applicable:

(1)  the lesser of one-third of the original community supervision period or two years of community supervision; or

(2)  the greater of one-half of the original community supervision period or two years of community supervision.

SECTION 3.  Subchapter E, Chapter 508, Government Code, is amended by adding Section 508.1559 to read as follows:

Sec. 508.1559.  WORK-FOR-TIME CREDIT. (a) In this section:

(1)  "Business day" means a day other than Saturday, Sunday, or a state or federal holiday.

(2)  "Supporting documentation" means documentation verifying a releasee's employment, including an employment record, letter, or contract or pay stubs.

(b)  Except as provided by Subsection (c), a releasee is entitled to receive time credits toward the completion of the releasee's period of parole or mandatory supervision in an amount equal to five days for each 30-day period in which the releasee was employed not less than 130 hours, as verified under Subsection (e).

(c)  A releasee may not receive time credits under this section during the 60-day period preceding the expiration of the releasee's period of parole or mandatory supervision, taking into account any time credits to which the releasee is entitled under this section.

(d)  A releasee shall, for each 30-day period described by Subsection (b), submit to the releasee's parole officer supporting documentation not later than the fifth business day after the expiration of the 30-day period.

(e)  A parole officer to whom supporting documentation is submitted under Subsection (d) shall:

(1)  verify the releasee was employed not less than 130 hours during the 30-day period; and

(2)  enter the supporting documentation and record the time credits received in the system developed under Subsection (g) not later than the fifth business day after receiving the supporting documentation.

(f)  If a parole officer is not able to verify the releasee's employment according to the received supporting documentation, the officer shall:

(1)  deny the time credits; and

(2)  record the denial in the system developed under Subsection (g).

(g)  The division shall:

(1)  establish a system to record and track time credits received or denied under this section; and

(2)  require each parole officer to use the system.

(h)  If a releasee's parole or mandatory supervision is revoked, all of the time credits to which the releasee is entitled under this section are forfeited and may not be credited toward the remaining portion of the releasee's sentence.

SECTION 4.  Article 42A.702(f), Code of Criminal Procedure, is repealed.

SECTION 5.  Not later than January 1, 2024:

(1)  the community justice assistance division of the Texas Department of Criminal Justice shall establish the system to record and track time credits required under Article 42A.703, Code of Criminal Procedure, as added by this Act; and

(2)  the pardons and paroles division of the Texas Department of Criminal Justice shall establish the system to record and track time credits required under Section 508.1559, Government Code, as added by this Act.

SECTION 6.  The change in law made by this Act applies only to a person who is placed on community supervision or released on parole or to mandatory supervision for an offense committed on or after the effective date of this Act. A person who is placed on community supervision or released on parole or to mandatory supervision for an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7.  This Act takes effect September 1, 2023.