By: Cook of Harris S.B. No. 363

A BILL TO BE ENTITLED

AN ACT

relating to the release of an inmate on medically recommended intensive supervision.

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

SECTION 1. Section 508.146, Government Code, is amended by amending Subsections (a), (a-1), (b), (e), (f), and (g) and adding Subsection (b-1) to read as follows:

(a) Except as provided by [~~Subject to~~] Subsection (b), an inmate, other than an inmate who is serving a sentence of death or life without parole or an inmate who is not a citizen of the United States, as defined by federal law, shall [~~may~~] be released on medically recommended intensive supervision on a date designated by a parole panel described by Subsection (e) if:

(1) the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the Correctional Managed Health Care Committee, identifies the inmate as:

(A) being 50 years of age or older [~~elderly~~], regardless of whether the inmate has a condition described in Paragraphs (B)-(H);

(B) being terminally ill;

(C) having a mental illness;

(D) having an intellectual disability or a physical disability;

(E) having a condition requiring long-term care;

(F) being in a persistent vegetative state;

(G) having an organic brain syndrome with significant to total mobility impairment; or

(H) having another eligible medical condition as prescribed by board rule; and

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

[~~(3)~~] the inmate's medically recommended intensive supervision plan under Subsection (a-1) is approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments.

(a-1) The Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the division, shall prepare for an inmate who is eligible [~~approved~~] for release under Subsection (a) a medically recommended intensive supervision plan that requires the inmate to submit to appropriate supervision under the least restrictive conditions necessary [~~electronic monitoring, places the inmate on super-intensive supervision, or otherwise ensures appropriate supervision of the inmate~~].

(b) A parole panel may not release an inmate on medically recommended intensive supervision under Subsection (a) if the panel finds by clear and convincing evidence that the inmate poses a risk to public safety that cannot be mitigated while under the supervision of the division. A parole panel acting under this subsection may not deny an inmate's release on medically recommended intensive supervision solely on the basis of:

(1) the nature of the offense for which the inmate is serving the sentence; or

(2) the inmate's criminal history.

(b-1) Not later than the 30th day after the date a parole panel denies an inmate's release on medically recommended intensive supervision under Subsection (b), the panel shall:

(1) produce a written statement explaining the reasons for the panel's finding that the inmate poses a risk to public safety that cannot be mitigated while under the supervision of the division;

(2) provide a copy of the statement to the inmate; and

(3) include a copy of the statement in the inmate's file [~~In addition to the requirements of Subsection (a), the following inmates may be released on medically recommended intensive supervision under that subsection only if the inmates are identified under Subsection (a)(1) as:~~

[~~(1) having a condition described by Subsection (a)(1)(B) or (E), if the inmate has an instant offense that is described in Article 42A.054, Code of Criminal Procedure; or~~

[~~(2) being in or having a condition described by Subsection (a)(1)(F) or (G), if the inmate has a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure~~].

(e) Parole panels composed of board members and parole commissioners appointed to the panel by the presiding officer may make determinations regarding the release of inmates on medically recommended intensive supervision under Subsection (a) or of

inmates released pending deportation under Subsection (f). If the Texas Correctional Office on Offenders with Medical or Mental Impairments identifies an inmate as a candidate for release under the guidelines established by Subsection (a)(1)[~~, (b),~~] or (f)(1), as applicable, the office shall present to a parole panel described by this subsection relevant information concerning the inmate and the inmate's potential for release under this section.

(f) An inmate who is not a citizen of the United States, as defined by federal law, other than an inmate who is serving [~~not under~~] a sentence of death or life without parole, [~~and who does not have a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, or an instant offense described in Article 42A.054, Code of Criminal Procedure,~~] may be released to immigration authorities pending deportation on a date designated by a parole panel described by Subsection (e) if:

(1) the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the Correctional Managed Health Care Committee, identifies the inmate as being in or having a condition described by Subsection (a)(1); and

(2) the parole panel determines that on release the inmate would be deported to another country and that the inmate does not constitute a threat to public safety in the other country or this country and is unlikely to reenter this country illegally.

(g) The board shall adopt rules to administer this section. The rules must:

(1) specify the procedures for evaluating the prognosis of inmates who are eligible for medically recommended

intensive supervision under Subsection (a) because of a qualifying medical condition;

(2) specify the factors, other than an inmate's condition, that are relevant or statutorily required to release an inmate on medically recommended intensive supervision; [~~and~~]

(3) define for purposes of Subsection (b) what constitutes a risk to public safety that cannot be mitigated while under the supervision of the division and specify the factors that a parole panel acting under that subsection must consider when determining whether an inmate poses a risk to public safety that cannot be mitigated; and

(4) define for purposes of Subsection (f) what constitutes a threat to public safety [~~for purposes of Subsections (a)(2) and (f)~~] and specify the factors that a parole panel acting under that subsection [~~described by Subsection (e)~~] must consider when determining whether an inmate constitutes a threat to public safety.

SECTION 2. This Act takes effect September 1, 2027.