

1 AN ACT

2 relating to the revocation process for certain persons released
3 from the Texas Department of Criminal Justice on parole or
4 mandatory supervision.

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

6 SECTION 1. Section 508.251(c), Government Code, is amended
7 to read as follows:

8 (c) Instead of the issuance of a warrant under this section,
9 the division may issue to the person a summons requiring the person
10 to appear for a hearing under Section 508.281 unless the person is a
11 releasee who is on intensive supervision or superintensive
12 supervision, who is an absconder, or who is determined by the
13 division to be a threat to public safety. The summons must state
14 the time, date, place, and purpose of the hearing.

15 SECTION 2. Section 508.252, Government Code, is amended to
16 read as follows:

17 Sec. 508.252. GROUNDS FOR ISSUANCE OF WARRANT OR SUMMONS. A
18 warrant or summons may be issued under Section 508.251 if:

- 19 (1) there is reason to believe that the person has been
20 released although not eligible for release;
- 21 (2) the person has been arrested for an offense;
- 22 (3) there is a document that is self-authenticating as
23 provided by Rule 902, Texas Rules of Evidence, stating that the
24 person violated a rule or condition of release; or

1 (4) there is reliable evidence that the person has
2 exhibited behavior during the person's release that indicates to a
3 reasonable person that the person poses a danger to society that
4 warrants the person's immediate return to custody.

5 SECTION 3. Section 508.281, Government Code, is amended by
6 adding Subsection (c) to read as follows:

7 (c) If a hearing before a designated agent of the board is
8 held under this section for a releasee who appears in compliance
9 with a summons, the sheriff of the county in which the releasee is
10 required to appear shall provide the designated agent with a place
11 at the county jail to hold the hearing. Immediately on conclusion
12 of a hearing in which the designated agent determines that a
13 releasee has violated a condition of release, a warrant may be
14 issued requiring the releasee to be held in the county jail pending:

15 (1) the action of a parole panel on any
16 recommendations made by the designated agent; and

17 (2) if subsequently ordered by the parole panel, the
18 return of the releasee to the institution from which the releasee
19 was released.

20 SECTION 4. Section 508.282, Government Code, is amended by
21 amending Subsection (c) and adding Subsection (f) to read as
22 follows:

23 (c) In Subsections (a), ~~and~~ (b), and (f), charges against
24 an inmate or person are disposed of when:

25 (1) the inmate's or person's conditional pardon,
26 parole, or release to mandatory supervision is:

27 (A) revoked; or

1 (B) continued or modified and the inmate or
2 person is released from the county jail;

3 (2) the warrant for the inmate or person issued under
4 Section 508.251 is withdrawn; or

5 (3) the inmate or person is transferred to a facility
6 described by Section 508.284 for further proceedings.

7 (f) A parole panel, a designee of the board, or the
8 department shall dispose of the charges against a releasee for whom
9 a warrant is issued under Section 508.281(c) not later than the 31st
10 day after the date on which the warrant is issued.

11 SECTION 5. The change in law made by this Act applies only
12 to a releasee who on or after the effective date of this Act is
13 charged with a violation of release. A releasee who before the
14 effective date of this Act is charged with a violation is covered by
15 the law in effect when the violation is charged, and the former law
16 is continued in effect for that purpose.

17 SECTION 6. This Act takes effect September 1, 2003.

David Newkumst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1849 was passed by the House on April 7, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1849 on May 23, 2003, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1849 was passed by the Senate, with amendments, on May 22, 2003, by the following vote: Yeas 31, Nays 0.

Dorothy Spaw
Secretary of the Senate

APPROVED: 18 JUNE '03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:30pm O'CLOCK

JUN 18 2003
Deann Shea
Secretary of State