

1-1 By: Martinez Fischer, et al. H.B. No. 541
1-2 (Senate Sponsor - Hinojosa)
1-3 (In the Senate - Received from the House May 14, 2007;
1-4 May 15, 2007, read first time and referred to Committee on Criminal
1-5 Justice; May 18, 2007, reported favorably by the following vote:
1-6 Yeas 5, Nays 0; May 18, 2007, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to procedures for certain persons charged with certain new
1-10 offenses or an administrative violation of a condition of release
1-11 from the Texas Department of Criminal Justice on parole or
1-12 mandatory supervision.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 508.254, Government Code, is amended by
1-15 amending Subsection (c) and adding Subsections (d), (e), and (f) to
1-16 read as follows:

1-17 (c) Except as provided by Subsection (d), pending [Pending]
1-18 a hearing on a charge of parole violation, ineligible release, or
1-19 violation of a condition of mandatory supervision, a person
1-20 returned to custody shall remain confined.

1-21 (d) A magistrate of the county in which the person is held in
1-22 custody may release the person on bond pending the hearing if:

1-23 (1) the person is arrested or held in custody only on a
1-24 charge that the person:

1-25 (A) committed an administrative violation of
1-26 release; or

1-27 (B) violated a condition of release by committing
1-28 a new offense for which the person is eligible for release on bond,
1-29 other than:

1-30 (i) an offense punishable as a felony;

1-31 (ii) an offense under Title 5 or Chapter 49,
1-32 Penal Code, punishable as a Class B or Class A misdemeanor; or

1-33 (iii) an offense involving family violence,
1-34 as defined by Section 71.004, Family Code;

1-35 (2) the division, in accordance with Subsection (e),
1-36 included notice on the warrant for the person's arrest that the
1-37 person is eligible for release on bond; and

1-38 (3) the magistrate determines that the person is not a
1-39 threat to public safety.

1-40 (e) The division shall include a notice on the warrant for
1-41 the person's arrest indicating that the person is eligible for
1-42 release on bond under Subsection (d) if the division determines
1-43 that the person:

1-44 (1) has not been previously convicted of:

1-45 (A) an offense under Chapter 29, Penal Code;

1-46 (B) an offense under Title 5, Penal Code,
1-47 punishable as a felony; or

1-48 (C) an offense involving family violence, as
1-49 defined by Section 71.004, Family Code;

1-50 (2) is not on intensive supervision or super-intensive
1-51 supervision;

1-52 (3) is not an absconder; and

1-53 (4) is not a threat to public safety.

1-54 (f) The provisions of Chapters 17 and 22, Code of Criminal
1-55 Procedure, apply to a person released under Subsection (d) in the
1-56 same manner as those provisions apply to a person released pending
1-57 an appearance before a court or magistrate, except that the release
1-58 under that subsection is conditioned on the person's appearance at
1-59 a hearing under this subchapter.

1-60 SECTION 2. The change in law made by this Act applies only
1-61 to a person who on or after the effective date of this Act is charged
1-62 with a violation of the person's release on parole or mandatory
1-63 supervision. A person who before the effective date of this Act was
1-64 charged with a violation of release is governed by the law in effect

2-1 when the violation was charged, and the former law is continued in
2-2 effect for that purpose.

2-3 SECTION 3. This Act takes effect September 1, 2007.

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