

1-1 By: Turner of Harris, et al. H.B. No. 710  
 1-2 (Senate Sponsor - Rodríguez)  
 1-3 (In the Senate - Received from the House May 11, 2015;  
 1-4 May 18, 2015, read first time and referred to Committee on Criminal  
 1-5 Justice; May 21, 2015, reported favorably by the following vote:  
 1-6 Yeas 7, Nays 0; May 21, 2015, sent to printer.)

1-7 COMMITTEE VOTE

|      | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8  |     |     |        |     |
| 1-9  | X   |     |        |     |
| 1-10 | X   |     |        |     |
| 1-11 | X   |     |        |     |
| 1-12 | X   |     |        |     |
| 1-13 | X   |     |        |     |
| 1-14 | X   |     |        |     |
| 1-15 | X   |     |        |     |

1-16 A BILL TO BE ENTITLED  
 1-17 AN ACT

1-18 relating to procedures for certain persons charged with a violation  
 1-19 of a condition of release from the Texas Department of Criminal  
 1-20 Justice on parole or to mandatory supervision.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 508.251(c), Government Code, is amended  
 1-23 to read as follows:

1-24 (c) Instead of the issuance of a warrant under this section,  
 1-25 the division:

1-26 (1) may issue to the person a summons requiring the  
 1-27 person to appear for a hearing under Section 508.281 if the person:

1-28 (A) is not a releasee who is:

1-29 (i) ~~[(A)]~~ on intensive supervision or  
 1-30 superintensive supervision;

1-31 (ii) ~~[(B)]~~ an absconder; or

1-32 (iii) ~~[(C)]~~ determined by the division to  
 1-33 be a threat to public safety; or

1-34 (B) is charged only with committing a new offense  
 1-35 that is alleged to have been committed after the first anniversary  
 1-36 of the date the person was released on parole or to mandatory  
 1-37 supervision if:

1-38 (i) the new offense is a Class C misdemeanor  
 1-39 under the Penal Code, other than an offense committed against a  
 1-40 child younger than 17 years of age or an offense involving family  
 1-41 violence, as defined by Section 71.004, Family Code;

1-42 (ii) the person has maintained steady  
 1-43 employment for at least one year;

1-44 (iii) the person has maintained a stable  
 1-45 residence for at least one year; and

1-46 (iv) the person has not previously been  
 1-47 charged with an offense after the person was released on parole or  
 1-48 to mandatory supervision; and

1-49 (2) shall issue to the person a summons requiring the  
 1-50 person to appear for a hearing under Section 508.281 if the person:

1-51 (A) is charged only with committing an  
 1-52 administrative violation of release that is alleged to have been  
 1-53 committed after the first ~~[third]~~ anniversary of the date the  
 1-54 person was released on parole or to mandatory supervision;

1-55 (B) is not serving a sentence for, and has not  
 1-56 been previously convicted of, an offense listed in or described by  
 1-57 Article 62.001(5), Code of Criminal Procedure; and

1-58 (C) is not a releasee with respect to whom a  
 1-59 summons may not be issued under Subdivision (1).

1-60 SECTION 2. Section 508.281(c), Government Code, is amended  
 1-61 to read as follows:

2-1 (c) If a hearing before a designated agent of the board is  
2-2 held under this section for a releasee who appears in compliance  
2-3 with a summons, the sheriff of the county in which the releasee is  
2-4 required to appear shall provide the designated agent with a place  
2-5 at the county jail to hold the hearing. After the board or a parole  
2-6 panel makes a final determination [~~Immediately on conclusion of a~~  
2-7 ~~hearing in which the designated agent determines~~] that a releasee  
2-8 has violated a condition of release, a warrant may be issued  
2-9 requiring the releasee to be held in the county jail pending:

2-10 (1) transfer to an intermediate sanction facility [~~the~~  
2-11 ~~action of a parole panel on any recommendations made by the~~  
2-12 ~~designated agent~~]; or [~~and~~]

2-13 (2) [~~if subsequently ordered by the parole panel,~~] the  
2-14 return of the releasee to the institution from which the releasee  
2-15 was released.

2-16 SECTION 3. The change in law made by this Act in amending  
2-17 Section 508.251(c), Government Code, applies only to a person who  
2-18 on or after the effective date of this Act is charged with a  
2-19 violation of the terms of the person's release on parole or to  
2-20 mandatory supervision. A person who before the effective date of  
2-21 this Act was charged with a violation of the terms of the person's  
2-22 release is governed by the law in effect when the violation was  
2-23 charged, and the former law is continued in effect for that purpose.

2-24 SECTION 4. The change in law made by this Act in amending  
2-25 Section 508.281(c), Government Code, applies only to a hearing held  
2-26 on or after the effective date of this Act. A hearing held before  
2-27 the effective date of this Act is governed by the law in effect on  
2-28 the date the hearing was held, and the former law is continued in  
2-29 effect for that purpose.

2-30 SECTION 5. This Act takes effect September 1, 2015.

2-31 \* \* \* \* \*