

SUBJECT: Requiring TDCJ custody of jail inmates eligible for mandatory release

COMMITTEE: Corrections — committee substitute recommended

VOTE: 9 ayes — White, Allen, Bailes, Bowers, Dean, Morales, Neave, Sherman, Stephenson
0 nays

WITNESSES: For — Shawn Dick, Williamson County District Attorney; Tom Ketterhagen; John Prezas; (*Registered, but did not testify*: Andy Kahan, Crime Stoppers of Houston and Parents of Murdered Children; Carl Leihardt)

Against — None

On — (*Registered, but did not testify*: David Gutierrez and Bettie Wells, Texas Board of Pardons and Paroles)

BACKGROUND: Government Code sec. 508.147 requires parole panels to release inmates from prison under a program called mandatory supervision when their actual calendar time served plus good conduct time equals the term to which the inmates were sentenced. However, there is a provision making some releases discretionary. Under Government Code 508.149(b), inmates may not be released to mandatory supervision if a parole panel determines that their good conduct time is not an accurate reflection of the inmate's potential for rehabilitation and the inmate's release would endanger the public. Government Code sec. 508.149(a) makes inmates ineligible for release on mandatory supervision if they are serving sentences or had been previously convicted of specific crimes.

Inmates released on mandatory supervision are considered to be on parole and are under the supervision of the parole division of the Texas Department of Criminal Justice (TDCJ).

Concerns have been raised that the practice of some defendants being

released directly from local jails to mandatory supervision occurs without victims knowing or being able to be involved in the release process.

DIGEST:

CSHB 2772 would require the Texas Department of Criminal Justice (TDCJ) to take custody of inmates who at the time they were sentenced, were confined in a county jail and were eligible for release on mandatory supervision, before the inmate could be released on mandatory supervision.

As soon as practicable after taking custody of an inmate, TDCJ would have to notify victims and their guardians or the close relative of a deceased victim that the inmate was eligible for release to mandatory supervision. TDCJ would have to notify the victim, guardian, or close relative that the individual had 14 days after the date of the notice to submit a written statement to a parole panel considering whether to release the inmate. The statement could include information on the effect of the inmate's offense on the victim, guardian, or close relative. Parole panels could interview a victim, guardian of a victim, or close relative about the release of the inmate to mandatory supervision.

The bill would take effect September 1, 2019, and would apply to defendants sentenced for an offense on or after that date.