

BILL ANALYSIS

Senate Research Center

H.B. 2918
By: Place (Whitmire)
Criminal Justice
5-14-97
Committee Report (Amended)

DIGEST

In recent years, the legislature has doubled the punishment for violent and sexual offenders, and dramatically increased prison capacity in order to hold those offenders longer; however, safety concerns still exist with regard to imprisonment, supervision, and parole of violent and sex offenders. In addition, current law limits sex offenders to no more than 10 years for those sentenced to community supervision. H.B. 2918 would allow a judge to extend the period of supervision for up to 10 years upon the determination by a judge that a defendant has not sufficiently demonstrated a commitment to avoid future criminal behavior and that the release of the defendant from supervision would endanger the public. In addition, this legislation gives the Texas Department of Criminal Justice (TDCJ) more discretion to classify inmates, whereby TDCJ can make any good conduct time dependant on the inmate's participation and treatment. The classification system has a direct impact upon parole consideration. This bill also requires TDCJ to establish a program to provide super-intensive supervision as well as intensive supervision to inmates released on parole or mandatory supervision.

PURPOSE

As proposed, H.B. 2918 establishes the extension of a community supervision period for a defendant charged with or convicted of certain sexual offenses; the publication of notice under the sex offender registration program; and the classification of inmates in the custody of the Texas Department of Criminal Justice on the basis of need for treatment.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2, Article 42.12, Code of Criminal Procedure, by amending Subdivision (4), to define "electronic monitoring."

SECTION 2. Amends Section 3(d), Article 42.12, Code of Criminal Procedure, to make a conforming change.

SECTION 3. Amends Section 4(c), Article 42.12, Code of Criminal Procedure, to make a conforming change.

SECTION 4. Amends Section 5(a), Article 42.12, Code of Criminal Procedure, to require the period of community supervision for a defendant charged with a felony under Sections 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the victim; and for a defendant charged with a felony described by Section 13B(b), to be not less than five years or more than 20 years. Makes a conforming change.

SECTION 5. Amends Article 42.12, Code of Criminal Procedure, by adding Section 22A, as follows:

Sec. 22A. EXTENDING SUPERVISION PERIOD FOR SEX OFFENDERS. Authorizes a judge to extend the period of community supervision at any time during the period of

community supervision if a defendant is placed on community supervision after receiving a grant of deferred adjudication for or being convicted of an offense under Section 21.11, 22.011, or 22.021, Penal Code. Authorizes a judge to extend the period of supervision for a period not to exceed 10 additional years if at a hearing the judge determines that the defendant has not sufficiently demonstrated a commitment to avoid future criminal behavior and that the release of the defendant from supervision would endanger the public. Authorizes a judge to extend a period of community supervision only once, but provides that the judge may extend a period of community supervision for a defendant under both Section 22(c) and this section. Establishes that the prohibition in Section 22(c) against a period of community supervision in a felony case exceeding 10 years does not apply to a defendant for whom community supervision is increased.

SECTION 6. Amends Section 24, Article 42.18, Code of Criminal Procedure, as follows:

Sec. 24. New heading: INTENSIVE SUPERVISION; SUPER-INTENSIVE SUPERVISION. Requires the intensive supervision program to provide the level of supervision provided by the Texas Department of Criminal Justice (TDCJ) that is higher than any level of supervision other than the level of supervision described by Subsection (b). Requires TDCJ to establish a program to provide super-intensive supervision to inmates released on parole or mandatory supervision and determined by parole panels to require super-intensive supervision. Requires the program to provide the highest level of supervision provided by TDCJ.

SECTION 7. Amends Section 498.003, Government Code, by adding Subsection (f), to authorize TDCJ to establish and use a separate classification system, based on the classes listed in Subsection (b), that requires inmates determined by TDCJ to need treatment to diligently participate in treatment; and makes the award of good conduct time dependent on that participation.

SECTION 8. Amends Section 3(e), Article 6252-13c.1, V.T.C.S., to require the local law enforcement authority to immediately publish notice in English and Spanish in the newspaper of greatest paid circulation, rather than in at least one newspaper of general circulation, in the county in which the person subject to registration intends to reside, or, if there is no newspaper of paid circulation in that county, in the newspaper of greatest general circulation in the county.

SECTION 9. Amends Section 4(f), Article 6252-13c.1, V.T.C.S., to make conforming changes.

SECTION 10. Makes application of this Act prospective.

SECTION 11. Sets forth the findings of the legislature regarding the release of dangerous inmates from TDCJ sentenced under prior Texas law; the need to better supervise inmates who become eligible for early release; the state interest in placing inmates released on parole and mandatory supervision under certain levels of supervision; the need for a program of intensive supervision of certain inmates; and the need for evaluation and review of each inmate released from prison to determine the need for supervision of the inmate.

SECTION 12. Effective date: September 1, 1997.

SECTION 13. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Adds a new SECTION 6, Section 24, Article 42.18, Code of Criminal Procedure, to set forth provisions regarding super-intensive supervision for inmates released on parole or mandatory supervision.

Amendment 2.

Adds a new SECTION 1, Section 2, Article 42.12, Code of Criminal Procedure, to define "electronic monitoring."

Amendment 3.

Adds a new SECTION 11, to set forth certain legislative findings.

Amendment 4.

Amends SECTION 4, Section 5(a), Article 42.12, Code of Criminal Procedure, to require the period of community supervision for a defendant charged with a felony under Sections 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the victim; and for a defendant charged with a felony described by Section 13B(b), to be not less than five years or more than 20 years.