

BILL ANALYSIS

Senate Research Center

S.B. 250
By: Whitmire
Criminal Justice
1-27-97
Committee Report (Unamended)

DIGEST

Currently, Texas law provides for mandatory supervision, under which inmates of the Texas Criminal Justice system are released from prison when their "good time" plus their time served in prison equals their full sentence. The scope of mandatory supervision was narrowed in 1987, when certain violent offenders were made ineligible for mandatory supervision, and again in 1996 when nonviolent offenders were made subject to Parole Board review. Both of these modifications applied only to offenders who committed their crimes after the effective date of those measures. This bill will make inmates subject to Parole Board review regardless of the date of their offense.

PURPOSE

As proposed, S.B. 250 repeals release to mandatory supervision and to parole procedures applicable to certain inmates of the Texas Department of Criminal Justice.

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 the article heading of Article 42.18, Code of Criminal Procedure, as follows:

ARTICLE 42.18. New heading: ADULT PAROLE LAW.

SECTION 2. Amends Article 42.18(1), Code of Criminal Procedure, to delete the provision that the intent of this article is to aid all prisoners to readjust to society upon completion of their period of incarceration by providing a program of mandatory supervision for those prisoners not released on parole or through executive clemency. Deletes the provision that the intent of this article is to remove from existing statutes the limitations that have acted as barriers to an effective system of mandatory supervision. Makes conforming changes.

SECTION 3. Amends Article 42.18(2), Code of Criminal Procedure, to redefine "parole." Deletes definition of "mandatory supervision." Makes conforming changes.

SECTION 4. Amends Article 42.18(7), Code of Criminal Procedure, by amending Subsections (a)-(c) and (e), to require the members of the Board of Pardons and Paroles (board) to determine under this article, rather than Sections 8(a)-(f), which prisoners are to be released on parole. Requires the board to determine under this article, rather than Sections 8(g) and (j), conditions of parole. Makes conforming changes.

SECTION 5. Amends Article 42.18(8), Code of Criminal Procedure, to delete a requirement that a prisoner released to mandatory supervision, upon release, be deemed as if released on parole. Deletes provisions that set forth the terms of mandatory release. Prohibits a prisoner from being released on parole under this subsection if the prisoner is serving a sentence for or has previously been convicted of a second degree felony under Section 21.11, Penal Code (Indecency with a Child). Prohibits a prisoner from being released on parole under Subsection (c) if a parole panel determines that the prisoner's release would pose a significant threat to the public safety. Deletes a provision prohibiting release of a prisoner on mandatory supervision if a parole panel determines that the

prisoner's accrued good conduct time is not an accurate reflection of the prisoner's potential for rehabilitation and that the prisoner's release would endanger the public. Redefines "victim." Deletes a requirement that persons released on mandatory supervision be furnished a written statement setting forth in clear and intelligible language the conditions and rules of mandatory supervision. Makes conforming and nonsubstantive changes.

SECTION 6. Amends Article 42.18(8A), Code of Criminal Procedure, as follows:

Sec. 8A. New heading: RESIDENCE DURING PAROLE. Makes conforming changes.

SECTION 7. Amends Article 42.18(8B), Code of Criminal Procedure, to make conforming changes.

SECTION 8. Amends Article 42.18(13), Code of Criminal Procedure, to make conforming and nonsubstantive changes.

SECTION 9. Amends Article 42.18(14)(a), Code of Criminal Procedure, to make conforming changes.

SECTION 10. Amends Article 42.18(15)(b), Code of Criminal Procedure, to make conforming changes.

SECTION 11. Amends Article 42.18(17)(a), Code of Criminal Procedure, to make conforming changes.

SECTION 12. Amends Article 42.18(18), Code of Criminal Procedure, to make conforming and nonsubstantive changes.

SECTION 13. Amends Article 42.18(19), Code of Criminal Procedure, to make conforming changes.

SECTION 14. Amends Article 42.18(21), Code of Criminal Procedure, to make a conforming change.

SECTION 15. Amends Article 42.18(25)(a), Code of Criminal Procedure, to make conforming changes.

SECTION 16. Amends Article 42.037(h), Code of Criminal Procedure, to require the court or the board, if a defendant is placed on community supervision, rather than probation, to order the payment of restitution ordered under this article as a condition of community supervision, rather than probation. Requires the court or board to consider certain criteria when determining whether to revoke community supervision, rather than probation. Makes conforming changes.

SECTION 17. Amends Article 42.09(8)(d), Code of Criminal Procedure, to make a conforming change.

SECTION 18. Amends Section 3g(a), Article 42.12, Code of Criminal Procedure, to include that the provisions of Section 3 of this article do not apply to Section 22.011(a)(2), Penal Code (Sexual assault).

SECTION 19. Amends Article 43.101(a), Code of Criminal Procedure, to make a conforming change.

SECTION 20. Amends Article 60.052(c), Code of Criminal Procedure, to make conforming changes.

SECTION 21. Amends Article 406.009(e), Government Code, to make conforming changes.

SECTION 22. Amends Sections 413.019(a) and (b), Government Code, to make conforming changes.

- SECTION 23. Amends Section 466.155(a), Government Code, to make conforming changes.
- SECTION 24. Amends Section 493.015(g), Government Code, to make conforming changes.
- SECTION 25. Amends Section 497.035(a), Government Code, to make a conforming change.
- SECTION 26. Amends Section 497.094(a), Government Code, to make a conforming change.
- SECTION 27. Amends Sections 498.003(a) and (c), Government Code, to make conforming changes.
- SECTION 28. Amends Section 498.004(b), Government Code, to make a conforming change.
- SECTION 29. Amends Section 498.004(b), Government Code, to make a conforming change.
- SECTION 30. Amends Section 499.002(a), Government Code, to make a conforming change.
- SECTION 31. Amends Section 499.025(b), Government Code, to provide that this section takes effect only if Section 32 of this Act does not take effect. Makes conforming changes.
- SECTION 32. Amends Section 499.025(b), Government Code, to provide that this section takes effect only if the attorney general, under the terms of Section 71(c), Chapter 318, Acts of the 74th Legislature, Regular Session, 1995, makes the certification described by Section 71(c). Provides that if the attorney general does not make the certification described by Section 71(c), this section has no effect. Makes conforming changes.
- SECTION 33. Amends Section 499.053(c), Government Code, to make a conforming change.
- SECTION 34. Amends Section 499.122, Government Code, to make conforming changes.
- SECTION 35. Amends Sections 499.123(a) and (c), Government Code, to make conforming changes.
- SECTION 36. Amends Section 499.126(a), Government Code, to make a conforming change.
- SECTION 37. Amends Section 499.152, Government Code, to make a conforming change.
- SECTION 38. Amends Sections 499.155(b) and (c), Government Code, to make conforming changes.
- SECTION 39. Amends Sections 501.015(a) and (b), Government Code, to make conforming changes.
- SECTION 40. Amends Section 501.016(a), Government Code, to make a conforming change.
- SECTION 41. Amends Section 501.054(g), Government Code, to make conforming changes.
- SECTION 42. Amends Section 501.0931(d), Government Code, to make a conforming change.
- SECTION 43. Amends Section 511.0101(a), Government Code, to make conforming changes.
- SECTION 44. Amends Sections 575.016(a) and (b), Health and Safety Code, to make conforming changes.
- SECTION 45. Amends Section 46.04(a), Penal Code, to make a conforming change.

SECTION 46. Amends Section 46.06(a), Penal Code, to make a conforming change.

SECTION 47. Amends Section 13, Article 179d, V.T.C.S. (Bingo Enabling Act), to provide that a person, firm, or corporation in which a person covered by Subdivision (1), (2), (3), or (4) of this subsection or a person married or related in the first degree of consanguinity or affinity, as determined by Chapter 573B, Government Code, rather than Article 5996h, V.T.C.S., is not eligible for a commercial license to lease bingo premises to a licensed authorized organization. Makes conforming changes.

SECTION 48. Amends Section 13a(c), Article 179d, V.T.C.S. (Bingo Enabling Act), to make conforming changes.

SECTION 49. Amends Section 13b(c), Article 179d, V.T.C.S., to make conforming changes.

SECTION 50. Amends Section 3(a), Article 4413(29bb), V.T.C.S. (Private Investigators and Private Security Agencies Act), to make conforming changes.

SECTION 51. Amends Section 4(e), Article 6252-13c, V.T.C.S., to make conforming changes.

SECTION 52. Amends Section 1(4), Article 6252-13c.1, V.T.C.S., to make a conforming change.

SECTION 53. Amends Section 2(e), Article 6252-13c.1, V.T.C.S., to make a conforming change.

SECTION 54. Amends Section 3(a), Article 6256-13c.1, V.T.C.S., to make a conforming change.

SECTION 55. Makes application of this Act prospective.

SECTION 56. Effective date: September 1, 1997.

SECTION 57. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

There were no committee changes.