

BILL ANALYSIS

Senate Research Center
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H.B. 1649
By: Gallego (Staples)
Criminal Justice
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Engrossed

DIGEST AND PURPOSE

Currently, the primary duty of the Board of Pardons and Paroles (board) is the discretionary release of eligible inmates sentenced to the institutional division of the Texas Department of Criminal Justice. The board is composed of 18 members appointed by the governor. Six of these members are chosen by the governor to serve as policy board members who adopt rules relating the decision-making process and administer the board's responsibilities. Some concerns have been raised regarding the efficiency of the administration of the board's duties. H.B. 1649 amends provisions relating to the administration of the board and certain duties of the policy board.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Board of Pardons and Paroles Policy Board in SECTION 1 (Section 508.034, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 508.034, Government Code, by adding Subsection (f), to provide that it is a ground for removal from the Board of Pardons and Paroles (board) that a member fails to comply with policies or rules adopted by the Board of Pardons and Paroles Policy Board (policy board).

SECTION 2. Amends Section 508.035, Government Code, by adding Subsection (c), to provide that the presiding officer reports directly to the governor and serves as the administrative head of the policy board and the board.

SECTION 3. Amends Section 508.036(c), Government Code, to require the policy board to take certain enumerated actions.

SECTION 4. Amends Section 508.044, Government Code, by amending Subsection (b) and adding Subsection (f), to require board members, in addition to performing the duties imposed on the board by the Texas Constitution and other law, to make certain determinations. Requires board members to file, at the direction of the presiding officer, activity reports on duties performed under this chapter.

SECTION 5. Amends Section 508.115(a), Government Code, to require the pardons and paroles division (division), not later than the 11th day before the date a parole panel, rather than the board, orders the release on parole of an inmate or not later than the 11th day after the date the board recommends that the governor grant executive clemency, to notify the sheriffs, each chief of police, the prosecuting attorneys, and the district judges in the county in which the inmate was convicted and the county to which the inmate is released that a parole panel is considering release on parole or the governor is considering clemency.

SECTION 6. Amends Section 508.153(a), Government Code, to make a conforming change.

SECTION 7. Amends Section 508.283, Government Code, as follows:

(a) Provides that after a parole panel or designated agent of the board has held a hearing under Section 508.281, in any manner warranted by the evidence:

- the board is authorized to recommend to the governor to continue, revoke, or modify the conditional pardon; and, rather than or,
- a parole panel is authorized to continue, revoke, or modify the parole or mandatory supervision.

(b) Authorizes a person, if the parole, mandatory supervision, or conditional pardon of a person described by Section 508.149(a) is revoked, to be required to serve the remaining portion of the sentence on which the person was released.

(c) Authorizes a person, if the parole, mandatory supervision, or conditional pardon of a person other than a person described by Section 508.149(a) is revoked, to be required to serve the remaining portion of the sentence on which the person was released. Provides that for a person who on the date of issuance of a warrant or summons initiating the revocation process is subject to a sentence the remaining portion of which is greater than the amount of time from the date of the person's release to the date of issuance of the warrant or summons, the remaining portion is to be served without credit for the time from the date of the person's release to the date of revocation. Provides that for a person who on the date of issuance of the warrant or summons is subject to a sentence the remaining portion of which is less than the amount of time from the date of the person's release to the date of issuance of the warrant or summons, the remaining portion is to be served without credit for an amount of time equal to the remaining portion of the sentence on the date of issuance of the warrant or citation.

(d) Reletters existing text of Subsection (c) as Subsection (d).

SECTION 8. Amends Section 508.313(c), Government Code, to authorize the Texas Department of Criminal Justice to provide information that is confidential and privileged under Subsection (a) to certain persons.

SECTION 9. Amends Section 508.322(c), Government Code, to make a conforming change.

SECTION 10. Amends Article 42.037(h), Code of Criminal Procedure, to require the court or the parole panel, rather than the Board of Pardons, if a defendant is placed on community supervision, rather than probation, or is paroled or released on mandatory supervision, to order the payment of restitution ordered under this article as a condition of community supervision, parole, or mandatory supervision. Makes conforming changes.

SECTION 11. Provides that the change in law made by this Act to Section 508.283, Government Code, applies to any revocation that occurs on or after September 1, 2001.

SECTION 12. Effective date: September 1, 2001.