

BILL ANALYSIS

Senate Research Center
82R30593 KCR-D

C.S.H.B. 1940
By: Perry (Huffman)
Criminal Justice
5/21/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some interpretations of statutes regarding a parolee who has been arrested on a new offense after release assert that the statutes entitle such a parolee to a preliminary hearing to determine whether probable cause or reasonable grounds exist to believe the parolee violated a condition of release. However, it has not been regular practice to hold a preliminary hearing under these circumstances, and it is estimated that doing so would have a significant impact on the staff and resources of the agencies responsible for holding the hearing.

C.S.H.B. 1940 amends current law relating to certain matters affecting the supervision of persons released from the Texas Department of Criminal Justice and to certain hearings conducted concerning persons released from the Texas Department of Criminal Justice.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 508.040(a), Government Code, to provide that the presiding officer is responsible for the employment and supervisions of certain individuals, including institutional parole officers.

SECTION 2. Amends Section 508.0441(a), Government Code, to delete existing text requiring the Texas Board of Pardons and Paroles (BPP) and parole commissioners to determine which releasees may be released from supervision and reporting.

SECTION 3. Amends Section 508.045, Government Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Authorizes a parole panel to:

- (1) grant, deny, or revoke parole;
- (2) deny release to mandatory supervision, under Section 508.149(b), or revoke mandatory supervision;
- (3) conduct parole revocation hearings and mandatory supervision revocation hearings; and
- (4) conduct hearings concerning whether, as a condition of release on parole or to mandatory supervision, a release who does not have a reportable conviction or adjudication, as defined by Article 62.001(5) (relating to reportable conviction or adjudication), Code of Criminal Procedure, must comply with any sex offender restrictions, including, if applicable, registering as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure

(d) Authorizes a parole panel or a designated agent of BPP to conduct a hearing described by Subsection (c)(3) or (4).

SECTION 4. Amends Section 508.224, Government Code, to replace a reference to the Texas Commission on Alcohol and Drug Abuse with the Department of State Health Services.

SECTION 5. Amends Section 508.283(a), Government Code, as follows:

(a) Provides that if a releasee waives the releasee's rights to a hearing or, if a releasee does not waive the releasee's right to a hearing, after a parole panel or designated agent of BPP has held a hearing under Section 508.281 (Hearing), in any manner warranted by the evidence:

(1) BPP may recommend to the governor to continue, revoke, or modify the conditional pardon; and

(2) a parole panel may continue, revoke, or modify the parole or mandatory supervision.

SECTION 6. Effective date: upon passage or September 1, 2011.