

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2494
By: Haggerty (Armbrister)
Criminal Justice
5/3/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

The Council of State Governments and the National Institute of Corrections have drafted the Interstate Compact for Adult Offender Supervision (compact), a new compact for the management, monitoring, and supervision of adult parolees and probationers who are located in states other than the state in which they were sentenced. The compact is currently enacted in 14 states and will become effective if it is adopted into law by 35 states. C.S.H.B. 2494 enters Texas into the interstate compact.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Interstate Commission for Adult Offender Supervision in SECTION 1 (Section 510.017, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4G, Government Code, by adding Chapter 510, as follows:

CHAPTER 510. INTERSTATE COMPACT FOR
ADULT OFFENDER SUPERVISION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 510.001. DEFINITIONS. Defines “commission,” “compact,” and “state council.”

Sec. 510.002. APPLICABILITY OF CHAPTER 2110. Provides that Chapter 2110 applies to the Texas State Council for Interstate Adult Offender Supervision (state council), except for Sections 2110.002, 2110.003, and 2110.008.

Sec. 510.003. ADMINISTRATION. Provides that the state council, the Interstate Compact for Adult Offender Supervision (compact) administrator, and the state’s commissioner to the Interstate Commission for Adult Offender Supervision (commission) are administratively attached to the Texas Department of Criminal Justice (department).

[Reserves Sections 510.004-510.010 for expansion]

SUBCHAPTER B. TEXAS STATE COUNCIL FOR INTERSTATE
ADULT OFFENDER SUPERVISION

Sec. 510.011. ESTABLISHMENT. Establishes the state council.

Sec. 510.012. COMPOSITION; TERMS. (a) Sets forth the composition of the state council.

(b) Sets forth the terms of appointed members of the state council.

Sec. 510.013. DUTIES OF EXECUTIVE DIRECTOR, EXECUTIVE DIRECTOR'S DESIGNEE. Requires the governor to designate one member of the state council as the presiding officer of the state council, and provides that the presiding officer serves in that capacity at the pleasure of the governor. Requires the governor to appoint the state's compact administrator and the state's commissioner to the commission, and authorizes the governor to appoint one person as administrator and one person as commissioner or one person to be both administrator and commissioner. Provides that the person or persons, as appropriate, serve at the pleasure of the governor.

Sec. 510.014. DUTIES OF COUNCIL. Requires the council to advise the compact administrator and the state's commissioner to the commission on the state's participation in the commission activities and the administration of the compact.

Sec. 510.015. LIABILITIES FOR CERTAIN COMMISSION AGENTS. Provides that the compact administrator, the state's commissioner to the commission, and each member, officer, executive director, employee, or agent of the commission acting within the scope of the person's employment or duties is, for the purposes of acts and omissions occurring within this state, entitled to the same protections under Chapter 104 (State Liability for Conduct of Public Servants), Civil Practice and Remedies Code, as an employee, a member of the governing board, or any other officer of a state agency, institution, or department.

Sec. 510.016. EFFECT ON TEXAS LAWS. Provides that in the event the laws of this state conflict with the compact, the compact controls, except that in the event of a conflict between the compact and the Texas Constitution, as determined by the courts of this state, the Texas Constitution controls.

Sec. 510.017. COMPACT TO BE ENTERED; TEXT. Sets forth the Interstate Compact for Adult Offender Supervision and provides that the compact is hereby entered into and enacted into law.

SECTION 2. Repealer: Article 42.11 (Uniform Act for out-of-State probationer and parolee supervision), Code of Criminal Procedure, effective on the first anniversary of the date on which the compact, by its own terms, becomes effective.

SECTION 3. Sets forth provisions for the initial appointment of members to the council, including certain date and term information.

SECTION 4. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Differs from the original by amending previously proposed provisions regarding certain official's attachment to the Texas Department of Criminal Justice. Amends previously proposed provisions regarding the designation, appointment and duties of certain officials. Amends previously proposed provisions regarding the limited liability of certain persons. Amends previously proposed provisions regarding certain voting procedures. Makes conforming and nonsubstantive changes.

SECTIONS 2 - 4. No changes.