

BILL ANALYSIS

Senate Research Center
77R14069 GWK-F

C.S.H.B. 772
By: Haggerty (Armbrister)
Criminal Justice
4/26/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, the Texas Department of Criminal Justice (TDCJ) houses more than 1,000 elderly inmates, approximately 200 of whom suffer from chronic medical conditions that require 24-hour nursing care. TDCJ's elderly population is expected to rise to more than 10,000 by 2008. The legislature has created a special needs parole program to release these inmates to alternative facilities where federal funds can be used to defray some of their expenses. C.S.H.B. 772 authorizes the release of inmates needing long-term care into a medically recommended intensive supervision program.

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 508.146, Government Code, as follows:

Sec. 508.146. New heading: MEDICALLY RECOMMENDED INTENSIVE SUPERVISION. Authorizes an inmate serving a sentence for which parole eligibility is otherwise determined under Section 508.145(f) to become eligible for release on medically recommended intensive supervision, rather than special needs parole, on a date designated by a parole panel that is earlier than the date computed under that section if: the Texas Council on Offenders with Mental Impairments (council), in cooperation with the Correctional Managed Health Care Committee, rather than institutional division, identifies the inmate as being elderly, physically handicapped, mentally ill, terminally ill, mentally retarded, or having a condition requiring long-term care; and the council, in cooperation with the pardon and paroles division, has prepared for the inmate a medically recommended intensive supervision, rather than special needs parole, plan that requires the inmate to submit to electronic monitoring, places the inmate on super-intensive supervision, or otherwise ensures appropriate supervision of the inmate, rather than appropriate supervision, service provision, and placement of the inmate. Deletes text regarding an inmate being diagnosed as mentally ill or mentally retarded. Requires a parole panel to require as a condition of release under this section that the releasee remain under the care of a physician and in a medically suitable placement. Requires the council, at least once each calendar year, to report to the Board of Pardons and Paroles on the releasee's medical and placement status. Authorizes a parole panel, on the basis of the report, to modify conditions of release and impose any condition on the releasee that the panel could impose on a releasee released under Section 508.145, including a condition that the releasee reside in a halfway house or community residential facility. Requires the council and the Texas Department of Human Services (department) to jointly request proposals from public or private vendors to provide under contract services for inmates released on medically recommended intensive supervision. Authorizes a request under this section to require that the services be provided in a medical care facility located in an urban area. Defines "urban area." Makes conforming changes.

SECTION 2. Requires the council and the department, in issuing requests for proposals on or after the effective date of this Act, to give consideration to the efficient use of capacity made available to serve releasees pursuant to requests for proposals issued before the effective date of this Act.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from the original by adding text relating to requests for proposals on or after the effective date of this Act. Redesignates SECTION 2 as SECTION 3.