

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1670
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Criminal Justice
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Committee Report (Substituted)

DIGEST AND PURPOSE

C.S.H.B. 1670 authorizes an inmate, other than an inmate who is serving a sentence of death or an inmate who has a reportable conviction or adjudication under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, to be released on medically recommended intensive supervision on a date designed by a parole panel described by Subsection (e) if certain conditions apply. This bill also authorizes only parole panels composed of the presiding officer of the Texas Board of Pardons and Paroles and two members appointed to the panel by the presiding officer to make determinations regarding the release of inmates on medically recommended intensive supervision under this section. Requires the Texas Council on Offenders with Mental Impairments (council), if the council identifies an inmate as a candidate for release under the guidelines established by Subsection (a)(1), to present to a parole panel described by this subsection relevant information concerning the inmate and the inmate's potential for release under this section.

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, by amending Subsections (a) and (c) and adding Subsection (e), as follows:

(a) Authorizes an inmate, other than an inmate who is serving a sentence of death or an inmate who has a reportable conviction or adjudication under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, rather than an inmate serving a sentence for which parole eligibility is otherwise determined under Section 508.0145(f), to be released, rather than become eligible for release, on medically recommended intensive supervision on a date designed by a parole panel described by Subsection (e), rather than a date that is earlier than the date computed under that section, if certain conditions apply, except that an inmate with an instant offense that is an offense described in Section 3g, Article 42.12, Code of Criminal Procedure, may only be considered if a medical condition of terminal illness or long-term care has been diagnosed.

(c) Requires the, rather than 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 Texas Council on Offenders with Mental Impairments (council), at least once each calendar year, to report to the parole panel, rather than the Texas Board of Pardons and Paroles (TBPP), on the releasee's medical and placement status. Authorizes the parole panel, on the basis of the report, to modify conditions of release and impose any condition on the release that a, rather than the, panel could impose on a releasee released under Section 508.145, including a condition that the releasee reside in a halfway house or a community residential facility. Makes a conforming change.

(e) Authorizes only parole panels composed of the presiding officer of TBPP and two members appointed to the panel by the presiding officer to make determinations regarding

the release of inmates on medically recommended intensive supervision under Subsection (a) or of inmates released pending deportation. Requires the council, if the council identifies an inmate as a candidate for release under the guidelines established by Subsection (a)(1), to present to a parole panel described by this subsection relevant information concerning the inmate and the inmate's potential for release under this section.

(f) Authorizes an inmate who is not a citizen of the United States, as defined by federal law, who is not under a sentence of death, and who does not have a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, or an instant offense described in Section 3g, Article 42.12, Code of Criminal Procedure, to be released to immigration authorities pending deportation on a date designated by a parole panel described by Subsection (e) if the parole panel determines that on release the inmate would be deported to another country and that the inmate does not constitute a threat to public safety in the other country or this country and is unlikely to reenter this country illegally.

SECTION 2. Repealer: Section 2, Chapter 1435, Acts of the 77th Legislature, Regular Session, 2001 (regarding issuing requests for proposals).

SECTION 3. Provides that the change in law made by this Act applies to an inmate who on or after the effective date of this Act is serving a sentence in the institutional division of the Texas Department of Criminal Justice and who is described by Section 508.146(a)(1), Government Code, regardless of whether the sentence is for an offense committed before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2003.