

## **BILL ANALYSIS**

Senate Research Center  
81R32872 HLT-F

C.S.H.B. 93  
By: Hodge, Guillen (Hinojosa)  
Criminal Justice  
5/14/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, once an inmate's good conduct time has been revoked for a disciplinary offense, the inmate cannot gain the time back through cooperation or good behavior. Wardens would benefit from a tool to better ensure inmate cooperation and compliance.

C.S.H.B. 93 amends current law relating to the reinstatement of good conduct time suspended during a term of imprisonment.

### **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 498.004, Government Code, as amended by Chapters 249 (S.B. 44) and 321 (H.B. 2162), Acts of the 74th Legislature, Regular Session, 1995, by reenacting and amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes the Texas Department of Criminal Justice (TDCJ) to forfeit all or any part of the inmate's accrued good conduct time or, in accordance with the policy adopted under Subsection (c), place all or any part of the inmate's accrued good conduct time in suspension, if, during the actual term of imprisonment of an inmate in TDCJ, rather than in the institutional division, or in a transfer facility, the inmate commits an offense or violates a rule of TDCJ, rather than the division. Prohibits TDCJ from restoring good conduct time forfeited under this subsection but authorizes TDCJ to reinstate good conduct time suspended under this subsection.

(c) Requires TDCJ to establish a policy regarding the suspension of good conduct time under Subsection (a). Requires that the policy provide that:

(1) TDCJ will consider the severity of an inmate's offense or violation in determining whether to suspend all or part of the inmate's good conduct time instead of forfeiting the inmate's good conduct time;

(2) during any period of suspension, good conduct time placed in suspension may not be used:

(A) for purposes of granting privileges to an inmate; or

(B) to compute an inmate's eligibility for parole under Section 508.145 (Eligibility for Release on Parole; Computation of Parole Eligibility Date) or to determine an inmate's date of release to mandatory supervision under Section 508.147 (Release to Mandatory Supervision);

(3) at the conclusion of any period of suspension, TDCJ is authorized to forfeit or reinstate the good conduct time placed in suspension based on the inmate's conduct during the period of the suspension; and

(4) in determining whether to forfeit or reinstate good conduct time placed in suspension, TDCJ is required to consider whether any impact to public safety is

likely to result from the inmate's release on parole or to mandatory supervision if the good conduct time is reinstated.

SECTION 2. Effective date: upon passage or September 1, 2009.