

(The House considered SB 1206 by Hinojosa, the Senate companion bill, in lieu of HB 1958, the House version of the bill, which had been set on the daily calendar and was analyzed by the House Research Organization. The bill subsequently was enacted as SB 1206.)

HOUSE RESEARCH ORGANIZATION	bill analysis	5/8/2009	HB 1958 Edwards, S. Turner (CSHB 1958 by McReynolds)
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SUBJECT: Potential early parole release for inmates finishing rehabilitation programs

COMMITTEE: Corrections — committee substitute recommended

VOTE: 8 ayes — McReynolds, Madden, Dutton, Hodge, Marquez, S. Miller, Ortiz, Sheffield

0 nays

3 absent — England, Kolkhorst, Martinez

WITNESSES: For — *(Registered, but did not testify:* Tommy Adkisson, Bexar County; Ed Davis, Restorative Justice Ministries Network of Texas; Matthew Simpson, The ACLU of Texas; Clifford Gay, Antonio Renaud)

Against — None

On — Bryan Collier, Texas Department of Criminal Justice; Rissie Owens, Texas Board of Pardons and Paroles; *(Registered, but did not testify:* Yolanda Davila, Legislative Budget Board)

BACKGROUND: The Texas Board of Pardons and Paroles, along with 12 parole commissioners it hires, usually works in panels of three to determine which inmates from the Texas Department of Criminal Justice are released on parole and the conditions of parole. Panels are authorized to release inmates on parole during the parole month established for the inmate.

DIGEST: CSHB 1958 would authorize parole panels to release certain inmates earlier than the month previously designated for their release if the inmate met certain conditions set for the inmate's release.

CSHB 1958 would require the Texas Department of Criminal Justice (TDCJ) to place inmates into programs that had been specified for them by a parole panel. TDCJ could place an inmate in a different program with the approval of the parole panel. TDCJ would have to promptly notify a

parole panel if an inmate successfully completed a rehabilitation program specified or approved by the panel and if the inmate satisfied all other conditions of release that the panel had set in order for the panel to consider the inmate's early release.

The bill would take effect September 1, 2009, and would apply to inmates confined in a TDCJ facility on or after that date.

**SUPPORTERS  
SAY:**

CSHB 1958 is needed to better manage the release from prison of certain inmates approved for parole who have completed their required rehabilitation programs. Better management of this process could save the state money and open up prison beds for other offenders.

Some inmates complete all the requirements that a parole panel has set for them but cannot be released on parole before the target release date set by the parole panel. These inmates have done all they have been asked to do and a parole panel has approved them for release, but they must either wait in a rehabilitation program, taking up limited space that could be used by another inmate, or be placed back in the general population where the program's effects may lessen. From September 2006 to March 2008, about 6,456 offenders completed their required programs before their release dates but could not be released because their target release date had not arrived, according to the Legislative Budget Board.

Keeping offenders in prison longer than necessary is a cost to the state. Texas prisons are operating close to capacity, and CSHB 1958 could move some offenders out of facilities, open up beds for new offenders, and keep the state from exceeding capacity.

CSHB 1958 would not diminish the authority of the Board of Pardons and Paroles because a parole panel would have to approve any release earlier than the original release date. When parole panels set conditions for the release of inmates, they specify both the programs and target release dates, and the parole board may have an interest in enforcing either one. This authority would remain intact under CSHB 1958.

Other provisions in CSHB 1958 would codify current agency practice by requiring TDCJ to place an inmate in the program specified by a parole panel and authorizing the agency to place an inmate in an alternative program if the parole panel approved.

OPPONENTS  
SAY:

CSHB 1958 would not go far enough. Inmates who complete the programs required by a parole panel should be able to be released immediately, without having to send the case back to the panel to reopen. This could be done by having parole panels specify a range of release dates. Sending the case back to the panel would result in unnecessary delays in releasing inmates who had already met the conditions set for them by a parole panel and would diminish the savings to the state that could be realized with the bill.

NOTES:

The original bill would have required parole panels to specify a range of release dates for inmates, based on the date they were likely to have completed a specified rehabilitation program, and would have allowed inmates to be released during that range of dates.