

BILL ANALYSIS

Senate Research Center
76R841 GWK-D

S.B. 352
By: Brown
Criminal Justice
3/18/1999
As Filed

DIGEST

Currently, the Texas Board of Parole and Pardons must be reviewed by the Texas Sunset Commission. The Board determines the release of a prisoner on parole and sets the conditions of parole and revokes parole of an offender who violates the terms of his or her release. The Board also makes clemency recommendations to the Governor. The clemency process was changed through a 1983 constitutional amendment that removed the Governor from the parole process, but authorized the Governor to pardon a prisoner based on the recommendation from the Parole Board.

As a constitutional agency, the Parole Board is not subject to abolishment under the Sunset Act, but the Board's statute requires the agency to be reviewed by the Sunset Commission in conjunction with the review of the Texas Department of Criminal Justice. The required Sunset Commission review recommended several statutory modifications that are contained in this legislation. S.B. 352 would update standard provisions, including conflicts of interest, board member training, equal employment opportunity analysis, and other changes.

PURPOSE

As proposed, S.B. 352 revises requirements for membership or employment by the Board of Pardons and Paroles.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 508.031(b), Government Code, to delete handicap and add disability.

SECTION 2. Amends Section 508.033, Government Code, to provide that a person is not eligible for appointment as a member of the board if the person is an employee of the pardons and paroles division (division) or the board employed in a "bona fide executive, administrative, or professional capacity" as defined by the federal Fair Labor Standards Act of 1938 regarding overtime. Sets forth conflicts of interests for a person under this subsection. Deletes the provision prohibiting certain persons from serving on the board or as an employee of the division or board. Redefines "Texas trade association." Makes conforming changes.

SECTION 3. Amends Section 508.034(a), Government Code, to set forth the grounds for removing a board member.

SECTION 4. Amends Sections 508.0362(a) and (c), Government Code, to require a person who qualifies as a board member to take at least one training course mentioned in this section before the person may participate or attend any board meeting, rather than requiring a person to take the training before the person is considered to be eligible for membership on the board. Authorizes the person participating in the training to receive travel reimbursements, regardless of when the person attends the training program.

SECTION 5. Amends Section 508.040, Government Code, to require the board administrator or the designee to prepare and maintain a written policy statement that implements, rather than ensures implementation, of an equal employment opportunity program. Sets forth requirements relating to the implementation of an equal employment opportunity program. Deletes the requirements that the board create a report that covers an annual period, and that the governor deliver a biennial report to the

legislature regarding Subsection (e). Makes conforming changes.

SECTION 6. Amends Section 508.042(b), Government Code, to make conforming changes.

SECTION 7. (a) Preserves and gives effect to the source law of the amended code, including Sections 508.033, 508.034(a), 508.0362(a) and (c), and 508.040, Government Code.

(b) Provides that to the extent of any conflict, this Act prevails over any other Act of the 76th Legislature relating to nonsubstantive additions and corrections.

SECTION 8. Effective date: September 1, 1999.

SECTION 9. Emergency clause.