

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5.28.09

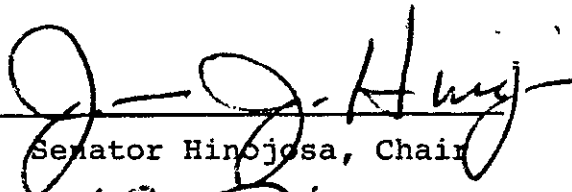
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 1206 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



Senator Hinojosa, Chair



Rep. Edwards, Chair

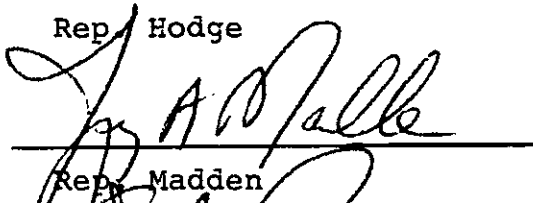


Senator Hegar

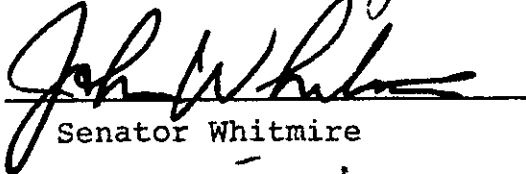
Rep. Hodge



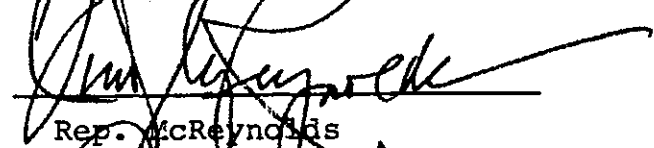
Senator Saliger



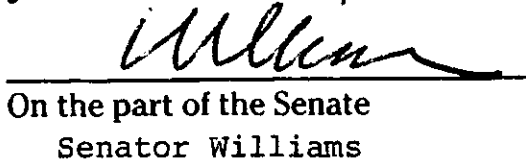
Rep. Madden



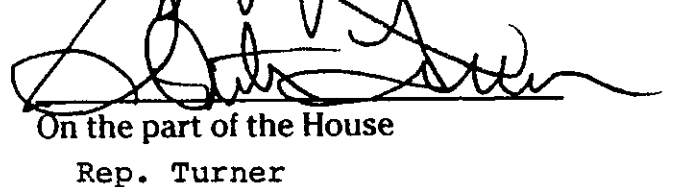
Senator Whitmire



Rep. McReynolds



On the part of the Senate
Senator Williams



On the part of the House
Rep. Turner

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 1206

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the release from the Texas Department of Criminal
3 Justice of certain inmates who complete a rehabilitation program.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 508.141, Government Code, is amended by
6 adding Subsections (b-1), (d-1), and (d-2) and amending Subsection
7 (d) to read as follows:

8 (b-1) If a parole panel requires, as a condition of release,
9 that an inmate complete a specific department rehabilitation
10 program before release, the department shall place the inmate in
11 the program specified by the parole panel, except that the
12 department may place the inmate in a different program with the
13 approval of the parole panel.

14 (d) A parole panel may release an inmate on parole during
15 the parole month established for the inmate, or during any
16 applicable range of dates established under Subsection (d-1), if
17 the panel determines that the inmate's release will not increase
18 the likelihood of harm to the public.

19 (d-1) A parole panel that, as a condition of release,
20 requires an inmate to complete a specific department rehabilitation
21 program shall specify a range of dates, based on the date the inmate
22 is likely to have completed the specified program, during which the
23 department may release the inmate, if the inmate has:

24 (1) successfully completed the program specified by

1 the parole panel; and

2 (2) satisfied all other conditions of release
3 specified by the parole panel.

4 (d-2) The range of dates specified by the parole panel under
5 Subsection (d-1) may not begin earlier than the 45th day before any
6 applicable release date established for the inmate and must be a
7 range of at least 30 days.

8 SECTION 2. The change in law made by this Act applies to any
9 inmate who is confined in a facility operated by or under contract
10 with the Texas Department of Criminal Justice on or after the
11 effective date of this Act, regardless of when the inmate's period
12 of confinement began.

13 SECTION 3. This Act takes effect September 1, 2009.

Senate Bill 1206
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Section 508.141, Government Code, is amended by adding Subsections (b-1), (d-1), and (d-2) and amending Subsection (d) relating to the release from the Texas Department of Criminal Justice (TDCJ) of certain inmates who complete a TDCJ rehabilitation program.

(d) Authorizes a parole panel, as an alternative to releasing an inmate on parole during the parole month established for the inmate, to release the inmate during *any applicable range of dates* established under (d-1) below if the panel determines that the inmate's release will not increase the likelihood of harm to the public.

(b-1) Requires TDCJ, if a parole panel requires as a condition of release that an inmate complete a specific rehabilitation program before release, to place the inmate in the TDCJ rehabilitation program specified by the parole panel and authorizes TDCJ to place the inmate in a different program with the approval of the panel.

(d-1) Requires a parole panel that requires an inmate to complete a specific TDCJ rehabilitation program as a condition of release, to specify a range of dates, based on the date the inmate is likely to have completed the specified program, during which the TDCJ may release the inmate, if the inmate has successfully completed the

HOUSE VERSION

Same as Senate version.

(d) Authorizes a parole panel, as an alternative to releasing an inmate on parole during the parole month established for the inmate, to release the inmate *at an earlier time* in accordance with (d-1) if the inmate successfully completes a TDCJ rehabilitation program specified or approved by the panel as a condition of release and the panel determines that the inmate's release will not increase the likelihood of harm to the public.

(d-1) (part) Same as Senate version.

(d-1) (part) Requires TDCJ to promptly notify the parole panel, for purposes of considering an inmate's immediate release, if the inmate successfully completes a TDCJ rehabilitation program specified or approved by the parole panel and satisfies all other conditions of release specified by the panel before the parole month

CONFERENCE

Same as Senate version.

Same as Senate version.

Same as Senate version.

Same as Senate version.

Senate Bill 1206
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

program and satisfied all other conditions of release specified by the panel.

established for the inmate.

(d-2) Prohibits the range of dates specified by the parole panel during which TDCJ may release an inmate from beginning earlier than the 45th day before any applicable release date established for the inmate and requires the range to consist of at least 30 days.

No equivalent provision.

Same as Senate version.

SECTION 2. Saving provision.

Same as Senate version.

Same as Senate version.

SECTION 3. Effective date.

Same as Senate version.

Same as Senate version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 29, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1206 by Hinojosa (Relating to the release from the Texas Department of Criminal Justice of certain inmates who complete a rehabilitation program.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require the Texas Department of Criminal Justice (TDCJ) to receive approval from the Board of Pardons and Paroles to place an inmate in a different rehabilitation program than the one ordered by the parole panel if the inmate is required to complete a specific department rehabilitation program before release.

The bill would also require TDCJ to inform the parole panel if an inmate has satisfied all conditions of release before the specified release date for the purposes of considering the inmate for immediate release. While this provision could potentially result in savings by reducing the number of days an inmate waits for parole release, the reduction in the number of days that an inmate is incarcerated cannot be determined due to the provision that would require the parole panel to reopen an inmate's file for consideration of his immediate release.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SD, ESi, JI, YD

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on SB B. 1206 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

MAY 29 2009

(date)