

CHAPTER 508

S.B. No. 842

An Act relating to administrative revocation of paroles, mandatory supervision, or conditional pardon of releasees convicted of a felony offense involving a penal sentence for an act committed while on administrative release and to conditional right to be heard; amending Section 22, Article 42.12, Code of Criminal Procedure, 1965, as amended.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 22, Article 42.12, Code of Criminal Procedure, 1965, as amended, is amended to read as follows:

“Section 22. Whenever a *parolee, mandatory releasee, [prisoner]* or a person granted a conditional pardon is accused of a violation of his parole, mandatory supervision, or conditional pardon on information and complaint by a law enforcement officer or parole officer, he shall be entitled to a *conditional right to be heard* on such charges before the Board or its designee under such rules and regulations as the Board may adopt; providing, however, said hearing shall be a public hearing and shall be held within ninety days of the date of arrest under a warrant issued by the Board of Pardons and Paroles *[or the Governor]* and at a time and place set by the Board; *and provided further, when the Board learns that a parolee, mandatory supervisee, or a person granted a conditional pardon has been convicted in a court of competent jurisdiction of a felony offense committed while an administrative releasee and has been sentenced by the court to a term of incarceration in a penal institution, the Board may consider evidence of those facts to be a sufficient hearing and revoke the parole or mandatory supervision or recommend to the Governor revocation of a conditional pardon without any further hearing.* When the Board has heard the facts, it may recommend to the Governor that the conditional pardon be continued, or revoked, or modified, or it may continue, revoke, or modify the parole or mandatory supervision, in any manner warranted by the evidence. When a person's parole, mandatory supervision, or conditional pardon is revoked, that person may be required to serve the portion remaining of the sentence on which he was released, such portion remaining to be calculated without credit for the time from the date of his release to the date of revocation. When a warrant is issued by the Board of Pardons and Paroles *[or the Governor]* charging a violation of release conditions, the sentence time credit shall be suspended until a determination is made by the Board of Pardons and Paroles *[or the Governor]* in such case and such suspended time credit may be re-instated

by the Board of Pardons and Paroles should such parole, mandatory supervision, or conditional pardon be continued.”

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 16, 1985, by the following vote: Yeas 29, Nays 0; passed the House on May 23, 1985, by a non-record vote.

Approved: June 12, 1985

Effective: August 26, 1985