

CHAPTER 42

H.B. No. 51

AN ACT

relating to the transfer of certain inmates of the Texas Department of Corrections to other facilities prior to their actual discharge from custody.

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

SECTION 1. Subsection (m), Section 8, Article 42.18, Code of Criminal Procedure, as added by Section 2, Chapter 427, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

(m) As an element of the board's halfway house program, the board, in cooperation with the Texas Department of Corrections, shall utilize halfway houses for the purpose of diverting from housing in regular units of the department of corrections suitable low-risk prisoners and other prisoners who would benefit from a smoother transition from incarceration to conditional freedom. To accomplish this purpose, the board, after reviewing all available pertinent information [~~and receiving the approval of the governor~~], may designate a presumptive parole date for any inmate who (i) is not serving a sentence for an offense listed in Subdivision (1) of Subsection (a) of Section 3g of Article 42.12 of this code and whose judgment does not contain an affirmative finding under Subdivision (2) of Subsection (a) of Section 3g of that article; *and* (ii) has never been convicted of an offense listed in Subdivision (1) of Subsection (a) of Section 3g of that article and has never had a conviction, the judgment for which contains an affirmative finding under Subdivision (2) of Subsection (a) of Section 3g of that article; ~~and (iii) has not previously been denied release by the board~~. The presumptive parole date may not be a date which is earlier than the prisoner's initial parole eligibility date, as calculated or projected pursuant to Subsection (b) of this section. *Before transferring a prisoner to a halfway house, the board shall send to the director of the halfway house all information relating to the prisoner that the board feels will aid the halfway house in helping the prisoner make a transition from prison to community life.* If a prisoner for whom a presumptive parole date has been established is transferred into a preparole residence in a halfway house pursuant to the terms of Article 6166x-4, Revised Statutes, the board is responsible for his supervision. The board may rescind or postpone a previously established presumptive parole date on the basis of reports from agents of the board responsible for supervision or agents of the department of corrections acting in the case. If a prisoner transferred to preparole status has satisfactorily served his sentence in the halfway house to which he is assigned from the date of transfer to the presumptive parole date, without rescission or postponement of the date, the board shall order his release to parole and issue an appropriate certificate of release. The prisoner is subject to the provisions of this article governing release on parole.

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 by the House on February 25, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 51 on April 21, 1987, by the following vote: Yeas 127, Nays 4, 1 present, not voting. Passed by the Senate, with amendments, on March 10, 1987, by the following vote: Yeas 30, Nays 0.

Approved April 29, 1987.

Effective April 29, 1987.