

CHAPTER 12

S.B. No. 5

AN ACT

relating to an assessment of damages against inmates of the Texas Department of Corrections for destruction of property belonging to the department.

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

SECTION 1. Title 108, Revised Statutes, as amended, is amended by adding Article 6184p to read as follows:

Art. 6184p. DESTRUCTION OF PROPERTY. (a) An inmate of the Texas Department of Corrections is liable for intentional damage to property belonging to the state. If more than one inmate is involved in damage to property, each inmate involved in the damage is jointly and severally liable.

(b) The department shall establish a hearing procedure, giving due consideration to due process rights of inmates, for the adjudication of claims for property damage under this article. Damages may be awarded to the department only after a hearing and may not exceed the value of the property damaged.

(c) If at a hearing it is determined that an inmate is liable for property damage, the department may seize the contents of inmate trust funds established for the inmate under Chapter 493, Acts of the 61st Legislature, Regular Session, 1961 (Article 6166x-3, Vernon's Texas Civil Statutes), and under Chapter 212, Acts of the 40th Legislature, Regular Session, 1927 (Article 6166y, Vernon's Texas Civil Statutes).

(d) An inmate may appeal a ruling following a hearing under this article by filing an appeal in a district court having jurisdiction in the county in which the alleged damages occurred. On appeal, the district court shall follow the rules governing judicial review of contested cases under Section 19, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and shall apply the substantial evidence rule. Appeals may be taken from the district court as in other civil cases.

(e) If an inmate fails to appeal an adverse decision within 60 days from the date of a hearing under Subsection (b) of this article, the inmate is barred from appealing the decision.

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

(g) The board may adopt such other reasonable rules not inconsistent with law as it may deem proper or necessary with respect to the eligibility of prisoners for parole and mandatory supervision, the conduct of parole and mandatory supervision hearings, or conditions to be imposed upon parolees and persons released to mandatory supervision. Each person to be released on parole shall be furnished a written statement and contract setting forth in clear and intelligible language the conditions and rules of parole. The conditions shall include the making of restitution or reparation to the victim of the prisoner's crime, in an amount not greater than such restitution or reparation as established by the court and entered in the sentence of the court which sentenced the prisoner to his term of imprisonment. The conditions may include making payments in satisfaction of damages for which the person is liable under Article 6184p, Revised Statutes. Acceptance, signing, and execution of the contract by the inmate to be paroled shall be a precondition to release on parole. Persons released on mandatory supervision shall be furnished a written statement setting forth in clear and intelligible language the conditions and rules of mandatory supervision.

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SECTION 3. This Act applies only to an inmate's liability for property damage occurring on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 1987.

SECTION 5. 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.

Passed the Senate on March 10, 1987, by a viva-voce vote. Passed the House on March 26, 1987, by a non-record vote.

Approved April 6, 1987.

Effective Sept. 1, 1987.