

## **BILL ANALYSIS**

C.S.H.B. 1236  
By: Hopson  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, local county jails are not required to include existing detainer notifications in the pen packets that must be provided to the Texas Department of Criminal Justice (TDCJ) when offenders are brought in for intake processing. A detainer is a request from an agency to be notified prior to the release of an individual. The Immigration and Naturalization Service (INS) has experienced particular problems, because INS detainers filed with the county are not consistently transferred to TDCJ along with the offender. The failure to receive these detainers complicates the joint efforts by INS and TDCJ to identify criminal aliens during the intake process. C.S.H.B. 1236 requires that existing detainers be a required document for pen packets of offenders sentenced to TDCJ.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B.1236 amends Section 8(a), Article 42.09, of the Code of Criminal Procedure to require that a copy of any detainer, issued by an agency of the federal government, that is in the possession of the county and that has been placed on a defendant be included in a pen packet accompanying a defendant on transfer from county jail to the Texas Department of Criminal Justice. C.S.H.B. 1236 also requires that a written description of a hold or warrant that has been issued for the defendant and that the county is aware of be placed in the defendant's pen packet.

### **EFFECTIVE DATE**

September 1, 2003

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute modifies the original by providing more detailed language regarding the detainer, specifying that it must be issued by a federal agency and must be in the possession of the county. The substitute also adds Article 42.09, Section 8(a) (12), Code of Criminal Procedure, regarding the county's responsibility to include in the pen packet a written description of a hold or warrant, issued by any other jurisdiction, of which the county is aware.