

BILL ANALYSIS

C.S.H.B. 1849
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Parolees in Texas may be notified of a revocation hearing by summons or by warrant for arrest (known as a blue warrant). Currently, a blue warrant is used in most cases. In an effort to more effectively use county jail capacity, C.S.H.B. 1849 requires the parole division of the Texas Department of Criminal Justice to notify certain low risk parole violators of their parole revocation hearing by issuing a summons, instead of a warrant for arrest.

In the interest of public safety, C.S.H.B. 1849 allows that if a parolee attends a revocation hearing after being notified by summons, and at the hearing it is determined that the parolee has violated a condition of release, a warrant may immediately be issued so that the parolee can be confined in county jail between the date of the hearing and the date the decision in his revocation case becomes final.

Currently, most county jails provide parole revocation hearing rooms for parolees who are arrested on a blue warrant. C.S.H.B. 1849 specifies that these rooms will be provided for those revocation hearings for parolees under summons.

Further, C.S.H.B. 1849 requires the parole division to resolve the revocation charges in a timely fashion, i.e., not later than the 31st day after the date the warrant is issued.

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

SECTION 1. The bill requires the parole division to issue a summons, instead of a warrant, for a revocation hearing, unless the parolee is on intensive supervision or superintensive supervision, an absconder, or a threat to public safety.

SECTION 2. The bill allows summons to be issued in revocation cases where currently a warrant must be issued.

SECTION 3. The bill requires the sheriff of a county in which parole revocation hearings are conducted after notice by summons to provide a place at the county jail to hold the hearing. The bill also allows a warrant to be immediately issued if during the revocation hearing the parolee is determined to have violated a condition of release.

SECTION 4. Requires the parole division to dispose of the charges upon which a warrant is issued within 31 days of the date the warrant was issued.

SECTION 5. This Act will apply to all parolees charged with a violation of release on or after the effective

date.

SECTION 6. Effective Date.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by removing the language in SECTION 3 specifying that a “designated agent” may issue a warrant immediately on conclusion of a hearing in which the releasee has been found in violation of conditions of release.