

BILL ANALYSIS

Senate Research Center
78R14760 GWK-D

C.S.H.B. 1849
By: Allen (Whitmire)
Criminal Justice
5/7/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, parolees in Texas may be notified of a revocation hearing by summons or by warrant for arrest. Also, many jails provide parole revocation hearing rooms for parolees who are arrested on a warrant. C.S.H.B. 1849 authorizes the parole division of the Texas Department of Criminal Justice to notify certain parole violators of their parole revocation hearing by issuing a summons. This bill also allows a warrant to be issued immediately, 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, so that the parolee can be confined in county jail between the date of the hearing and the date the decision in revocation becomes final. Finally, this bill specifies that revocation hearing rooms will be provided for those revocation hearing for parolees under summons and requires the parole division to resolve the revocation charges not later than the 31st day after the date the warrant is issued.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 508.251(c), Government Code, to authorize the parole division, instead of the issuance of a warrant under this section, to issue to the person a summons requiring the person to appear for a hearing under Section 508.281 unless the person is a releasee who is on intensive supervision or superintensive supervision, who is an absconder, or who is determined by the division to be a threat to public safety.

SECTION 2. Amends Section 508.252, Government Code, as follows:

Sec. 508.252. New heading: **GROUND FOR ISSUANCE OF WARRANT OR SUMMONS**. Authorizes a warrant or summons to be issued under Section 508.251 if certain conditions apply.

SECTION 3. Amends Section 508.281, Government Code, by adding Subsection (c) to require the sheriff of the county in which the releasee is required to appear to provide the designated agent with a place at the county jail to hold the hearing, if a hearing before a designated agent of the Board of Pardons and Paroles (TBPP) is held under this section for a releasee who appears in compliance with a summons. Authorizes a warrant, immediately on conclusion of a hearing in which the designated agent determines that a releasee has violated a condition of release, to be issued requiring the releasee to be held in the county jail pending certain actions.

SECTION 4. Amends Section 508.282, Government Code, by amending Subsection (c) and adding Subsection (f), as follows:

(c) Makes conforming and nonsubstantive changes.

(f) Requires certain persons or entities to dispose of the charges against a releasee for whom a warrant is issued under Section 508.281(c) not later than the 31st day after the date on which the warrant is issued.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2003.