

BILL ANALYSIS

C.S.H.B. 3335
By: Capelo
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires a parole panel, a designee of the Board of Pardons and Paroles, or the Texas Department of Criminal Justice to dispose of the revocation charges against a parole releasee within 61 days. Additionally, the parolee may be granted multiple continuances until his or her case is finally adjudicated. The combined problem arising from the current 61-day allowance and unlimited continuances is that the state inmate remains for an extended period in county jail at the county's expense.

CSHB 3335 proposes to decrease the time period the parole panel has to dispose of a technical violation from 61 days to 31 days. CSHB 3335 also proposes to limit the number of continuances to one in order to expedite the parolee's transfer process from the county jail to the state penal system.

If the state does not initiate the transfer of the inmate within 45 days after the completion of the parole revocation hearing, current law provides that the state must pay the county the cost of housing a state inmate in the county jail. CSHB 3335 will help reduce the backlog in county jail and help the counties receive reimbursement more efficiently.

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. Amends Section 508.281 by adding Subsection (c) to limit continuances of hearings to no more than one.

SECTION 2. Amends Section 508.282(a) and (b), Government Code, as follows:

(a) Requires certain entities to dispose of the charges against an inmate or person described by Section 508.281(a) **before the 31st (rather than 61st) day** after the date on which a warrant issued as provided by Section 508.251 is executed, if the inmate or person is arrested only on a violation of a condition of release, and the inmate or person is not charged **before the 31st (rather than 61st) day** with the commission of an offense described by Section 508.281(2)(B); or before the 31st, rather than the 61st, day after the date on which the sheriff having custody of an inmate or person alleged to have committed an offense after release notifies the department that the inmate has discharged the sentence for the offense, or the prosecution has been dismissed in the manner provided by Article 32.02, Code of Criminal Procedure.

(b) Provides that certain entities are not required to dispose of charges against an inmate or person within the period required by Subsection (a) if certain entities are not provided a place by the sheriff to hold the hearing, in which event those entities are not required to

dispose of the charges against the inmate or person until the **30th (rather than 60th) day** after the date on which the sheriff provides a place to hold the hearing. In no event may a parole panel, a designee of the board, or TDCJ dispose of the charges against the person later than **7 days (rather than 30 days)** after the date on which the entity would otherwise be required to dispose of the charges under this section, unless the inmate or person is released from custody and a summons is issued under Section 508.251 requiring the inmate or person to appear for a hearing under Section 508.281.

SECTION 3. Subsection (a) contains the effective date. Subsections (b) and (c) make application of this Act prospective.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by adding a provision to Section 508.281, Government Code, which requires that a releasee may not receive more than one continuance in a parole revocation hearing process. CSHB 3335 is a legislative council draft of the original bill.