

BILL ANALYSIS

C.S.H.B. 1335
By: Gonzalez Toureilles
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the parole division of the Texas Department of Criminal Justice (TDCJ) is authorized to issue an arrest warrant for a parolee who is accused of a technical violation of parole or of committing a new offense. These warrants are sometimes called "blue warrants" because they are printed on blue paper. A parolee arrested under a blue warrant is held in a county jail pending a hearing to determine if parole will be revoked. The overcrowded conditions in county jails create a need to decrease the blue-warrant population and decrease operating costs for county jails. The bill allows a county magistrate to decrease the blue-warrant population and decrease operating costs for the county jail.

C.S.H.B. 1335 makes a person eligible for release on bond pending a parole revocation hearing, but only if the violation of which the person is accused is an administrative violation of parole or certain misdemeanor offenses. The bill requires the magistrate and TDCJ to determine whether the parolee is a threat to society as an added safety precaution.

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. 1335 amends the Government Code to authorize a magistrate of the county to release a person being held on bond pending a hearing if:

- the person is arrested or held in custody for an administrative violation of release or for violating a condition of release by committing a new offense for which the person is eligible for release on bond, other than a felony, a Class B or Class A misdemeanor offense that is an offense against the person or a certain intoxication or alcoholic beverage offense, or an offense involving family violence;
- the parole division included notice on the warrant for the person's arrest that the person is eligible for release on bond; and
- the magistrate determines that the person is not a threat to public safety.

C.S.H.B. 1335 requires the parole division to include a notice on the warrant for the person's arrest indicating that the person is eligible for release on bond if the division determines that the person has not been previously convicted of robbery or aggravated robbery, a felony that is an offense against the person, or an offense involving family violence; is not on intensive supervision or super-intensive supervision; is not an absconder; and is not a threat to public safety.

C.S.H.B. 1335 makes Code of Criminal Procedure provisions governing bail applicable to a person released under the bill's provisions in the same manner as those laws are applicable to a person released pending an appearance before a court or magistrate, except that a release under the bill's provisions is conditioned on the person's appearance at a hearing for certain parole

violations.

C.S.H.B. 1335 requires the parole division, if a person released on bond under the bill's provisions fails to appear at the hearing, to file with the magistrate who released the person on bond a sworn written notice of nonappearance. The bill authorizes the magistrate, on the filing of the notice, to forfeit the person's bond and enter a final judgment of forfeiture in the same manner and to the same extent as a court or magistrate may forfeit a bond under Code of Criminal Procedure provisions governing forfeiture of bail.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1335 adds a provision not in the original requiring the parole division, if a person released on bond under the bill's provisions fails to appear at a hearing, to file with the magistrate who released the person on bond a sworn written notice of nonappearance and authorizing the magistrate, on the filing of the notice, to forfeit the person's bond and enter a final judgment regarding forfeiture in the same manner and to the same extent as a court or magistrate may forfeit a bond under state law on forfeiture of bail. The substitute makes a change conforming to this addition.