

BILL ANALYSIS

H.B. 2100
By: Martinez Fischer
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

County jails are overcrowded with defendants known as blue warrants, awaiting a probation revocation hearing and possible transfer to a state facility and are faced with having these state inmates remanded to a county facility for excessive periods pending a parole hearing. The increase of the blue warrant population in many county jails has increased operating costs and contributed to a rise in the overall jail population.

H.B. 2100 permits persons charged with certain violations of conditional release from the Texas Department of Criminal Justice on parole or to mandatory supervision to post bond pending the person's revocation hearing.

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

H.B. 2100 amends the Government Code to authorize a magistrate of the county in which a person is held in custody to release the person on bond pending a hearing on a charge of parole violation, ineligible release, or violation of a condition of mandatory supervision, if: the person is arrested or held in custody only on a charge that the person committed an administrative violation of release or violated a condition of release by committing a new offense for which the person is eligible for release on bond, other than an offense of robbery, an offense against the person punishable as a felony, 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. The bill requires the 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 is not on intensive supervision or super-intensive supervision, is not an absconder, and is not a threat to public safety. The bill makes provisions of the Code of Criminal Procedure regarding bail and forfeiture of bail applicable to a person released on bond under the bill's provisions in the same manner as those provisions apply to a person released pending an appearance before a court or magistrate, except that the release on bond under the bill's provisions is conditioned on the person's appearance at a hearing on the charge of parole violation, ineligible release, or violation of a condition of mandatory supervision.

EFFECTIVE DATE

September 1, 2009.