

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2100
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

County jails are overcrowded with defendants known as blue warrants (defendants who are 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.

C.S.H.B. 2100 amends current law relating to procedures for certain persons charged with certain new offenses or an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.

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 508.254, Government Code, by amending Subsection (c) and adding Subsections (d)-(f), as follows:

(c) Requires a person returned to custody, except as provided by Subsection (d), pending a hearing on a charge of parole violation, ineligible release, or violation of a condition of mandatory supervision, to remain confined. Makes a nonsubstantive change.

(d) Authorizes a magistrate of the county in which the person is held in custody to release the person on bond pending the hearing if:

(1) 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 punishable as a felony; an offense under Title 5 (Offenses Against the Person) or Chapter 49 (Intoxication and Alcoholic Beverage Offenses), Penal Code, punishable as a Class B or Class A misdemeanor; or an offense involving family violence as defined by Section 71.004 (Family Violence), Family Code;

(2) the division, in accordance with Subsection (e), included notice on the warrant for the person's arrest that the person is eligible for release on bond; and

(3) the magistrate determines that the person is not a threat to public safety.

(e) 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 under Subsection (d) if the division determines that the person:

(1) has not been previously convicted of:

(A) an offense under Chapter 29 (Robbery), Penal Code;

(B) an offense under Title 5, Penal Code, punishable as a felony; or

(C) an offense involving family violence, as defined by Section 71.004, Family Code;

(2) is not on intensive supervision or super-intensive supervision;

(3) is not an absconder; and

(4) is not a threat to public safety.

(f) Provides that the provisions of Chapters 17 (Bail) and 22 (Forfeiture of Bail), Code of Criminal Procedure, apply to a person released under Subsection (d) in the same manner as those provisions apply to a person released pending an appearance before a court or magistrate, except that the release under Subsection (d) is conditioned on the person's appearance at a hearing under this subchapter.

SECTION 2. Provides that the change in law made by this Act applies only to a person who on or after the effective date of this Act is charged with a violation of the person's release on parole or to mandatory supervision. Provides that a person who before the effective date of this Act was charged with a violation of release is governed by the law in effect when the violation was charged, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2009.