

BILL ANALYSIS

Senate Research Center
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S.B. 840
By: Hinojosa
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 840 amends the Government Code to authorize a county magistrate to release on bond, pending a revocation hearing, a person who is arrested for an administrative violation of parole or for certain new offenses, excluding a felony offense, a family violence offense, certain offenses against a person, and certain intoxication or alcoholic beverage offenses, and who is determined to be eligible for release on bond by the parole division of the Texas Department of Criminal Justice using criteria set out in the bill and determined not to be a threat to public safety by the magistrate.

The bill requires the pardons and paroles division to include a notice on the arrest warrant that the person is eligible for release on bond in accordance with this bill if the division determines that the person has not been previously convicted of robbery, felony criminal homicide, felony kidnapping, felony unlawful restraint, felony trafficking of persons, felony sexual offenses, felony assault, and family violence as defined by Section 71.004, Family Code; is not on intensive supervision or super-intensive supervision; is not an absconder; and is not a threat to public safety.

The bill also provides that the provisions of the Code of Criminal Procedure involving bail and the forfeiture of bail apply to a person released on a bond in accordance with this bill in the same way as those provisions apply to a person released pending an appearance before a court or magistrate, except that the release is conditioned on the person's appearance at a hearing under the warrants subchapter of the Government Code.

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), (e), and (f), as follows:

(c) Requires a person returned to custody pending a hearing on a charge of parole violation, ineligible release, or violation of a condition of mandatory supervision to remain confined, 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.

(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 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; 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 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 has not been previously convicted of an offense under Chapter 29 (Robbery), Penal Code, an offense under Title 5, Penal Code, punishable as a felony, or an offense involving family violence, as defined by Section 71.004, Family Code; is not on intensive supervision or super-intensive supervision; is not an absconder; and 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. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.