

## **BILL ANALYSIS**

H.B. 1940  
By: Perry  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Some interpretations of statutes regarding a parolee who has been arrested on a new offense after release assert that the statutes entitle such a parolee to a preliminary hearing to determine whether probable cause or reasonable grounds exist to believe the parolee violated a condition of release. However, it has not been regular practice to hold a preliminary hearing under these circumstances, and it is estimated that doing so would have a significant impact on the staff and resources of the agencies responsible for holding the hearing.

H.B. 1940 clarifies provisions of law relating to the requirement of a preliminary hearing for certain persons released from the Texas Department of Criminal Justice who are alleged to have violated a condition of release.

### **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. 1940 amends the Government Code to include a releasee, a person ineligibly released, or a person granted an unconditional pardon who has been charged with an offense that was committed after release and for which a magistrate has made a finding of probable cause among the persons who are not entitled to a preliminary hearing provided by a parole panel or a designee of the Board of Pardons and Paroles to determine whether probable cause or reasonable grounds exist to believe that such a person has committed an act that would constitute a violation of a condition of release. The bill makes the commission by a released person of such an offense before the deadline after which a parole panel, designee of the board, or the Texas Department of Criminal Justice is required to dispose of the charges against the person grounds for not having those charges disposed.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.