

BILL ANALYSIS

H.B. 2734
By: Madden
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that Immigration and Customs Enforcement, in taking possession of an offender from the Texas Department of Criminal Justice for deportation purposes, often releases the offender without deportation to the offender's country of origin. H.B. 2734 seeks to address this issue by providing for certain mandatory conditions and the revocation of parole or mandatory supervision for certain illegal criminal aliens in Texas.

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. 2734 amends the Government Code to require a parole panel to require as a condition of parole or mandatory supervision that an illegal criminal alien released to the custody of United States Immigration and Customs Enforcement, regardless of whether a final order of deportation is issued with reference to the illegal criminal alien, leave the United States as soon as possible after release and not unlawfully return to or unlawfully reenter the United States in violation of the Immigration Reform and Control Act of 1986.

H.B. 2734 specifies that a determination by a parole panel or designated agent of the Board of Pardons and Paroles that a releasee has violated a condition of release described above and confirms the violation with a peace officer or other law enforcement officer of Texas who is authorized under federal law to verify a person's immigration status or with a federal law enforcement officer in accordance with federal law is considered to be a sufficient hearing to revoke the parole or mandatory supervision without further hearing or determination. The bill provides an exception to that consideration to require the parole panel or designated agent to conduct a hearing to consider mitigating circumstances, if requested by the releasee. The bill provides for the meaning of "illegal criminal alien" by reference.

EFFECTIVE DATE

September 1, 2011.