

BILL ANALYSIS

C.S.H.B. 2735
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the pardons and paroles division of the Texas Department of Criminal Justice (TDCJ) is authorized to issue an arrest warrant, also known as a blue warrant, for a parolee who is accused of a technical violation of parole or of committing a certain new offense. A parolee arrested under a blue warrant is held in a county jail pending a hearing to determine if parole will be revoked. Holding those arrested under a blue warrant leads to overcrowded conditions in county jails and an increase in operating costs for county jails. In an effort to remedy this situation, C.S.H.B. 2735 allows for the issuance of a summons requiring certain parolees to appear for a hearing before a parole panel or certain designated agent.

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

C.S.H.B. 2735 requires the pardons and paroles division of the Texas Department of Criminal Justice, instead of issuing a warrant for the return of certain paroled or released persons to the institution from which the person was paroled or released, to issue to the person a summons to appear for a hearing before a parole panel or a designated agent of the Board of Pardons and Paroles, if the person is charged only with committing an administrative violation of release that is alleged to have been committed after the third anniversary of the date the person was released on parole or to mandatory supervision; is not serving a sentence for, and has not been previously convicted of, an offense listed as a reportable conviction or adjudication under the sex offender registration program; and is not a releasee to whom a summons may not be issued under law because the releasee is on intensive supervision or superintensive supervision, is an absconder, or is determined by the division to be a threat to public safety. The bill makes conforming changes

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2735 contains a provision not included in the original requiring the pardons and paroles division of the Texas Department of Criminal Justice to issue to certain persons paroled or released a summons requiring the person to appear for a hearing before a parole panel or a designated agent of the Board of Pardons and Paroles if the person is charged only with committing an administrative violation of release that occurred at a certain time after release, is not serving a sentence for and has not been previously convicted of an offense that would require sex offender registration, and is not on intensive supervision or superintensive supervision, is not an absconder, and is not determined to be threat to public safety.

C.S.H.B. 2735 omits a provision included in the original authorizing a magistrate of the county in which a person who is the subject of a warrant is held in custody for an alleged violation of parole or mandatory supervision to release the person on bond pending a hearing on the violation if the person is arrested or held in custody only for the commission of an administrative violation of release or violation of a release condition by committing a certain new offense eligible for release on bond, if the division includes notice on the arrest warrant of the person's eligibility for release on bond, and if the magistrate determines the person is not a threat to public safety.

C.S.H.B. 2735 omits provisions included in the original requiring the division to include a notice on the person's arrest warrant indicating that the person is eligible for release on bond by a magistrate as previously described if the division determines that the person has not been previously convicted of a certain offense, is not on intensive supervision or super-intensive supervision, is not an absconder, and is not a threat to public safety. The substitute omits provisions included in the original relating to the applicability of statutory provisions governing bail and the forfeiture of bail to a person released on bond by a magistrate as previously described.