

By: Madden

H.B. No. 2735

A BILL TO BE ENTITLED

1 AN ACT
2 relating to procedures for certain persons charged with certain new
3 offenses or an administrative violation of a condition of release
4 from the Texas Department of Criminal Justice on parole or to
5 mandatory supervision.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 508.254, Government Code, is amended by
8 amending Subsection (c) and adding Subsections (d), (e), and (f) to
9 read as follows:

10 (c) Except as provided by Subsection (d), pending ~~[Pending]~~
11 a hearing on a charge of parole violation, ineligible release, or
12 violation of a condition of mandatory supervision, a person
13 returned to custody shall remain confined.

14 (d) A magistrate of the county in which the person is held in
15 custody may release the person on bond pending the hearing if:

16 (1) the person is arrested or held in custody only on a
17 charge that the person:

18 (A) committed an administrative violation of
19 release; or

20 (B) violated a condition of release by committing
21 a new offense for which the person is eligible for release on bond,
22 other than:

23 (i) an offense punishable as a felony;

24 (ii) an offense under Title 5 or Chapter 49,

1 Penal Code, punishable as a Class B or Class A misdemeanor; or
2 (iii) an offense involving family violence,
3 as defined by Section 71.004, Family Code;

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

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

9 (e) The division shall include a notice on the warrant for
10 the person's arrest indicating that the person is eligible for
11 release on bond under Subsection (d) if the division determines
12 that the person:

13 (1) has not been previously convicted of:

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

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

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

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

21 (3) is not an absconder; and

22 (4) is not a threat to public safety.

23 (f) The provisions of Chapters 17 and 22, Code of Criminal
24 Procedure, apply to:

25 (1) a person released under Subsection (d) in the same
26 manner as those provisions apply to a person released pending an
27 appearance before a court or magistrate, except that the release

1 under Subsection (d) is conditioned on the person's appearance at a
2 hearing under Subchapter I; and

3 (2) the forfeiture of the bond of a person released
4 under Subsection (d), except that forfeiture proceedings may be
5 initiated on the failure of the person to appear at a hearing under
6 Subchapter I.

7 SECTION 2. Chapter 17, Code of Criminal Procedure, is
8 amended by adding Article 17.50 to read as follows:

9 Art. 17.50. APPLICATION OF CHAPTER TO RELEASEES. (a) In
10 this article, "releasee" means a person who is subject to detention
11 under warrant under Section 508.254, Government Code.

12 (b) Unless the context clearly requires otherwise, a
13 provision of this chapter that refers to a defendant applies to a
14 releasee in the same manner that the provision applies to a
15 defendant.

16 (c) Unless the context clearly requires otherwise, a
17 provision of this chapter that refers to a particular court or
18 magistrate before which a defendant must appear applies to a
19 releasee, except that entity before which the releasee must appear
20 is the parole panel or the designated agent of the Board of Pardons
21 and Paroles that will conduct a hearing concerning the releasee
22 under Subchapter I, Chapter 508, Government Code.

23 (d) Notwithstanding Subdivision 3, Article 17.08, if a bail
24 bond secures the appearance of a releasee at a hearing under
25 Subchapter I, Chapter 508, Government Code, the bail bond must
26 state that the releasee is accused of a violation of the conditions
27 of the releasee's release from the Texas Department of Criminal

1 Justice.

2 SECTION 3. Chapter 22, Code of Criminal Procedure, is
3 amended by adding Article 22.19 to read as follows:

4 Art. 22.19. APPLICATION OF CHAPTER TO RELEASEES. (a) In
5 this article, "releasee" means a person who is subject to detention
6 under warrant under Section 508.254, Government Code.

7 (b) Unless the context clearly requires otherwise, a
8 provision of this chapter that refers to a defendant applies to a
9 releasee in the same manner that the provision applies to a
10 defendant.

11 (c) Unless the context clearly requires otherwise, a
12 provision of this chapter that refers to a particular court or
13 magistrate before which a defendant must appear applies to a
14 releasee, except that entity before which the releasee must appear
15 is the parole panel or the designated agent of the Board of Pardons
16 and Paroles that will conduct a hearing concerning the releasee
17 under Subchapter I, Chapter 508, Government Code.

18 (d) Notwithstanding Article 22.02, if a bail bond or
19 personal bond secures the appearance of a releasee at a hearing
20 under Subchapter I, Chapter 508, Government Code, the requirement
21 of that article that the defendant's name be called distinctly at
22 the courthouse door is satisfied if the releasee's name is called
23 distinctly at the door of the place at which the hearing under
24 Subchapter I, Chapter 508, Government Code, is held.

25 (e) Notwithstanding Article 22.03(a), if the bail bond or
26 personal bond to be forfeited secures the appearance of a releasee
27 at a hearing under Subchapter I, Chapter 508, Government Code, the

1 requirement of that article that a judgment be entered is satisfied
2 if the person initiating bond forfeiture proceedings under this
3 chapter files a petition alleging facts that, if true, support a
4 final judgment of forfeiture.

5 (f) Notwithstanding any other law, if the bail bond or
6 personal bond to be forfeited secures the appearance of a releasee
7 at a hearing under Subchapter I, Chapter 508, Government Code, in
8 addition to any other person authorized to initiate bond forfeiture
9 proceedings under this chapter, the director of the pardon and
10 paroles division of the Texas Department of Criminal Justice or the
11 director's designee may initiate bond forfeiture proceedings under
12 this chapter. Regardless of the person that initiates bond
13 forfeiture proceedings under this chapter, any proceeds from a
14 forfeiture shall be collected and deposited in the same manner as
15 the proceeds from any other bond forfeited under this chapter.

16 SECTION 4. The change in law made by this Act applies only
17 to a person who on or after the effective date of this Act is charged
18 with a violation of the person's release on parole or to mandatory
19 supervision. A person who before the effective date of this Act was
20 charged with a violation of release is governed by the law in effect
21 when the violation was charged, and the former law is continued in
22 effect for that purpose.

23 SECTION 5. This Act takes effect September 1, 2011.