

BILL ANALYSIS

S.B. 1522
By: Hegar
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, the Board of Pardons and Paroles may issue a warrant for the return of a person released to parole or mandatory supervision for various reasons, including the releasee's alleged commission of a technical violation of parole or the commission of a new offense while on parole. Releasees who are issued such a warrant, commonly referred to as a blue warrant, are held in a county jail pending a hearing to determine if their parole or supervision will be revoked. Interested parties note the importance of revising current procedures applicable to the revocation of such a releasee's parole or mandatory supervision. S.B. 1522 seeks to address this concern by amending provisions regarding a summons issued in lieu of a blue warrant and provisions regarding a revocation hearing and the issuance of a warrant.

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

S.B. 1522 amends the Government Code to require the pardons and paroles division of the Texas Department of Criminal Justice, instead of issuing a warrant for the return of a released person to the institution from which the person was paroled or released due to ineligible release, commission of an offense or violation of release, or certain behavior warranting a return to custody, to issue a summons requiring the person's appearance at a hearing if the person, in addition to other conditions, is charged only with committing an administrative violation of release, regardless of when the violation is alleged to have been committed. The bill includes among those additional conditions the condition that the person is not serving a sentence for, and has not been previously convicted of, a robbery offense or any offense against the person punishable as a felony or an offense involving family violence.

S.B. 1522 prohibits a hearing for a releasee appearing in response to a summons issued instead of such a warrant from being held in a county jail without the consent of the sheriff of the applicable county, rather than requiring the sheriff of the county in which the releasee is required to appear to provide the designated agent of the Board of Pardons and Paroles with a place at the county jail to hold such a hearing. The bill requires the designated agent to notify the board if a hearing before the agent determines that a releasee who appears in compliance with a summons has violated a condition of release and subsequently authorizes the pardons and parole division to issue a warrant requiring the releasee to be held in a county jail pending the releasee's return to the releasing institution, rather than authorizing issuance of a warrant immediately on conclusion of a hearing in which the agent determines that the releasee has violated a condition of release that requires the releasee to be held in the county jail pending a parole panel's action on any of the agent's recommendations and, if subsequently ordered by the parole panel, the releasee's return to the releasing institution.

EFFECTIVE DATE

September 1, 2013.