

BILL ANALYSIS

Senate Research Center
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S.B. 1522
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The parole division of the Texas Department of Criminal Justice (TDCJ) may issue an arrest warrant for a parolee who is accused of technical violation of parole or of committing a new offense. These warrants are sometimes referred to as "blue warrants" due to the color of paper on which they are printed. Parolees arrested under a blue warrant are held in a county jail pending a hearing to determine if their parole will be revoked. Section 508.254(c), Government Code, requires that persons who are in custody pending a hearing on charges of violation their parole must remain confined.

S.B. 1522 allows a magistrate of the county to release on bond certain parolees who have been arrested and are being held in county jail pending the parole revocation hearing if the person is arrested only on a charge that the person has committed an administrative violation of a condition of release and the person is not charged with and has not been previously convicted of an offense under Chapter 29 (Robbery), Penal Code, or an offense under Title 5 (Offenses Against the Person), Penal Code, punishable as a felony or an offense involving family violence as defined by Section 71.004 (Family Violence), Family Code.

This bill also requires TDCJ to accept, not later than the 40th day after the date on which all processing required for transfer has been completed, an inmate confined in a county jail while under order of commitment to TDCJ following conviction of a felony of the first, second, or third degree or a capital felony. Additionally, this bill requires a parole panel, a designee of the board, or TDCJ to dispose of the charges against an inmate or person described by Section 508.281(a) before the 36th day after the date on which a warrant was issued.

As proposed, S.B. 1522 amends current law relating to the responsibility of the county to hold certain persons in county jail before a return or transfer of the person to the Texas Department of Criminal Justice.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 499.071, Government Code, to require the Board of Pardons and Paroles (BPP) to adopt and enforce a scheduled admissions policy that permits the Texas Department of Criminal Justice (TDCJ), rather than the institutional division, to accept inmates within 45 days of processing as required by Section 499.121(c) (relating to the institutional division having a duty to accept each inmate confined in a county jail while under an order of commitment), and requires TDCJ to accept inmates within 40 days of processing as required by Section 499.121(c-1).

SECTION 2. Amends Section 499.121, Government Code, by adding Subsection (c-1), to provide that, notwithstanding Subsection (c), on and after September 1, 2013, TDCJ has a duty to accept, not later than the 40th day after the date on which all processing required for transfer has been completed, each inmate confined in a county jail while under an order of commitment to TDCJ following conviction of a felony of the first, second, or third degree or a capital felony.

SECTION 3. Amends Section 508.254(c), Government Code, as follows:

(c)(1) Requires a person returned to custody, except as otherwise provided by this subsection, pending a hearing on a charge of parole violation, ineligible release, or violation of a condition of mandatory supervision, to remain confined.

(2) Authorizes a magistrate of the county in which the person is held in custody to release the person on bond pending the hearing if:

(A) the person is arrested only on a charge that the person has committed an administrative violation of a condition of release;

(B) the person is not charged with and has not been previously convicted of an offense under Chapter 29 (Robbery), Penal Code, or an offense under Title 5 (Offenses Against the Person), Penal Code, punishable as a felony or an offense involving family violence, as defined by Section 71.004 (Family Violence), Family Code; and

(C) BPP provides the magistrate with written approval.

(3) Provides that the provisions of Chapters 17 (Bail) and 22 (Forfeiture of Bail), Code of Criminal Procedure, apply to a person released under this subsection in the same manner as those provisions apply to a person released pending an appearance before a court or magistrate, except that the release under this subsection is conditioned on the person's appearance at a hearing under this subchapter.

SECTION 4. Amends Section 508.282(a), Government Code, as follows:

(a) Requires a parole panel, a designee of BPP, or TDCJ, except as provided by Subsection (b) (relating to a disposal of charges against an inmate if certain criteria are fulfilled), to dispose of the charges against an inmate or person described by Section 508.281(a) (relating to a person released is entitled to a hearing before a parole panel or a designated agent of the board under certain rules) before the 36th, rather than the 41st, day after the date on which a warrant issued as provided by Section 508.251 (Issuance of Warrant or Summons) is executed, if the inmate or person is arrested only on a charge that the inmate or person has committed an administrative violation of a condition of release, and the inmate or person is not charged before the 36th, rather than the 41st, day with the commission of an offense described by Section 508.2811(2)(B) (relating to a preliminary hearing is held unless the inmate, after release, has been adjudicated guilty of an offense after release).

SECTION 5. Makes application of Sections 499.071 and 499.121 (Legislative Declaration; Mandamus), Government Code, as amended by this Act, prospective.

SECTION 6. Makes application of Sections 508.254(c) and 508.282(a), Government Code, as amended by this Act, prospective.

SECTION 7. Effective date: September 1, 2013.