

By: King of Parker

H.B. No. 1314

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the release on bail of, and the reimbursement to a  
3 county for certain costs of confining, a person charged with an  
4 administrative violation of parole or mandatory supervision.

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

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

9 (c) Except as provided by Subsections [~~Subsection~~] (d) and  
10 (d-1), pending a hearing on a charge of parole violation,  
11 ineligible release, or violation of a condition of mandatory  
12 supervision, a person returned to custody shall remain confined.

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

15 (1) the person is arrested or held in custody only on a  
16 charge that the person committed an administrative violation of  
17 release;

18 (2) [~~the division, in accordance with Subsection (e),~~  
19 ~~included notice on~~] the warrant for the person's arrest did not  
20 include a notice that the person is ineligible [~~eligible~~] for  
21 release on bond as provided by Subsection (e); and

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

24 (d-1) A magistrate of the county in which the person is held

1 in custody shall release the person on personal bond pending the  
2 hearing if:

3 (1) the person has been confined for not less than 30  
4 days only on a charge that the person committed an administrative  
5 violation of release;

6 (2) the warrant for the person's arrest did not include  
7 a notice that the person is ineligible for release on bond as  
8 provided by Subsection (e); and

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

11 (e) The division shall include a notice on the warrant for  
12 the person's arrest indicating that the person is ineligible  
13 [~~eligible~~] for release on bond under this section [~~Subsection (d)~~]  
14 if the division determines that the person:

15 (1) has [~~not~~] been previously convicted of:

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

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

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

21 (2) is [~~not~~] on intensive supervision or  
22 super-intensive supervision;

23 (3) is [~~not~~] an absconder; or [~~and~~]

24 (4) is [~~not~~] a threat to public safety.

25 (f) The provisions of Chapters 17 and 22, Code of Criminal  
26 Procedure, apply to a person released under this section  
27 [~~Subsection (d)~~] in the same manner as those provisions apply to a

1 person released pending an appearance before a court or magistrate,  
2 except that the release under this section [~~that subsection~~] is  
3 conditioned on the person's appearance at a hearing under this  
4 subchapter.

5 SECTION 2. Subchapter I, Chapter 508, Government Code, is  
6 amended by adding Section 508.285 to read as follows:

7 Sec. 508.285. REIMBURSEMENT TO COUNTIES. (a) A county is  
8 entitled to reimbursement from the department for the costs of  
9 confining in the county jail a releasee or person described by  
10 Section 508.281(a) who is confined only on a charge that the  
11 releasee or person has committed an administrative violation of  
12 release and that are incurred beginning on the 11th day of the  
13 releasee's or person's confinement in the county jail.

14 (b) Not later than the 15th day of each quarter of a county's  
15 fiscal year, the county judge shall certify to the comptroller of  
16 public accounts the costs of confinement incurred during the  
17 preceding fiscal quarter for which the county is entitled to  
18 reimbursement under Subsection (a). The comptroller shall issue a  
19 warrant in that amount to the commissioners court of the county.

20 SECTION 3. The change in law made by this Act applies only  
21 to a person who is arrested on or after the effective date of this  
22 Act. A person arrested before the effective date of this Act is  
23 governed by the law in effect on the date the person was arrested,  
24 and the former law is continued in effect for that purpose.

25 SECTION 4. This Act takes effect September 1, 2019.