

## **BILL ANALYSIS**

H.B. 4007  
By: Guillen  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties explain that the state's ability to offer parole or release to mandatory supervision is an important tool in reducing recidivism. One of the conditions of release is that the parolee cannot commit any criminal offenses. When a parolee does violate the conditions of parole, however, an order of apprehension known as a "blue warrant" is issued. The parties raise concerns that when a blue warrant is issued, the apprehending entity must hold the individual for an indefinite period until the state can pick up the parolee. Interested parties say that counties and other entities that hold these incarcerated persons are burdened by the blue warrant procedures because they are required to house and feed the individuals for that indefinite period. H.B. 4007 seeks to relieve the financial burden on counties and local governments by addressing this issue.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

H.B. 4007 amends the Government Code to create an exception to the requirement of a person returned to custody to remain confined pending a hearing on a charge of a parole violation, ineligible release, or violation of a condition of mandatory supervision. The bill authorizes a magistrate of the county in which the person is held in custody to release the person on bond pending a hearing if the person is arrested or held in custody only on a charge that the person committed an administrative violation of release or violated a condition of release by committing a new offense for which the person is eligible for release on bond, other than an offense against the person or robbery or an offense involving family violence. The bill makes Code of Criminal Procedure provisions relating to bail and the forfeiture of bail applicable to a person released under the bill's provisions 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 the bill's provisions is conditioned on the person's appearance at a hearing under statutory provisions governing warrants.

H.B. 4007 entitles a county that confines in the county jail an inmate or person arrested only on a charge that the inmate or person has committed an administrative violation of a condition of release to receive compensation from the state for medical or other special needs expenses incurred during any day the inmate or person is confined in the county jail and other costs of confinement incurred by the county beginning on the 16th day the inmate or person is confined

in the county jail. The bill requires a county to promptly inform the Texas Department of Criminal Justice that such an inmate or person is confined in the jail. The bill requires the county judge, on the first day of each quarter of a county's fiscal year, to certify to the comptroller of public accounts each inmate or person confined and, for each inmate or person confined, the amount of medical or other special needs expenses and costs of confinement incurred during the preceding fiscal quarter for which the county is entitled to compensation under the bill's provisions. The bill requires the comptroller to issue to the commissioners court of the county a warrant in an amount computed for the preceding fiscal quarter for all inmates or persons confined.

**EFFECTIVE DATE**

September 1, 2015.