

BILL ANALYSIS

C.S.H.B. 710
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties explain that current law authorizes the pardons and paroles division of the Texas Department of Criminal Justice (TDCJ) to issue a summons for offenders who violate an administrative or technical rule of parole but that the same mechanism and discretion is not afforded to the division for offenders who commit a new offense, such as a misdemeanor that does not involve family violence or harm to a child, and who have steady employment and a stable living situation. The parties believe that the current process, which typically results in such offenders being in jail without access to bond or bail, creates unnecessary inefficiencies and increases the already high costs of incarceration. C.S.H.B. 710 seeks to provide an efficient process for requiring certain persons charged with a violation of a condition of release from TDCJ on parole or to mandatory supervision to appear at a hearing.

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

C.S.H.B. 710 amends the Government Code to remove the requirement that the pardons and paroles division of the Texas Department of Criminal Justice, instead of issuing a warrant, issue a summons requiring a person released on parole or to mandatory supervision to appear for a hearing if the person is charged only with committing an administrative violation of release that is alleged to have been committed after the third anniversary of the date the person was released on parole or to mandatory supervision. The bill replaces that requirement with the requirement that the division issue such a summons instead of a warrant to a person who, among other eligibility requirements, is charged only with committing an administrative violation of release that is alleged to have been committed after the first anniversary of the date the person was released on parole or to mandatory supervision or a new offense that is alleged to have been committed after the first anniversary of that date if the new offense is a Class B or Class C misdemeanor, other than an offense committed against a child younger than 17 years of age or an offense involving family violence, and the person has maintained steady employment and a stable residence for at least one year and has not previously been charged with an offense after the person was released on parole or to mandatory supervision.

C.S.H.B. 710 removes the authorization for the issuance of a warrant, immediately on conclusion of a hearing in which a designated agent of the Board of Pardons and Paroles determines that a person released on parole or to mandatory supervision has violated a condition of release,

requiring the releasee to be held in the county jail pending parole panel action on the agent's recommendations and, if ordered, the releasee's return to the releasing institution. The bill instead authorizes the issuance of a warrant, after the board or a parole panel makes a final determination that the releasee has violated a condition of release, requiring the releasee to be held in the county jail pending transfer to an intermediate sanction facility or the releasee's return to the releasing institution.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 710 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 508.251(c), Government Code, is amended.

No equivalent provision.

SECTION 2. The change in law made by this Act applies only to a person who on or after the effective date of this Act is charged with a violation of the terms of the person's release on parole or to mandatory supervision. A person who before the effective date of this Act was charged with

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 508.281(c), Government Code, is amended to read as follows:

(c) If a hearing before a designated agent of the board is held under this section for a releasee who appears in compliance with a summons, the sheriff of the county in which the releasee is required to appear shall provide the designated agent with a place at the county jail to hold the hearing. After the board or a parole panel makes a final determination [~~Immediately on conclusion of a hearing in which the designated agent determines~~] that a releasee has violated a condition of release, a warrant may be issued requiring the releasee to be held in the county jail pending:

(1) transfer to an intermediate sanction facility [~~the action of a parole panel on any recommendations made by the designated agent~~]; or [~~and~~]

(2) [~~if subsequently ordered by the parole panel,~~] the return of the releasee to the institution from which the releasee was released.

SECTION 3. The change in law made by this Act in amending Section 508.251(c), Government Code, applies only to a person who on or after the effective date of this Act is charged with a violation of the terms of the person's release on parole or to mandatory supervision. A person who before the

a violation of the terms of the person's release is governed by the law in effect when the violation was charged, and the former law is continued in effect for that purpose.

No equivalent provision.

SECTION 3. This Act takes effect September 1, 2015.

effective date of this Act was charged with a violation of the terms of the person's release is governed by the law in effect when the violation was charged, and the former law is continued in effect for that purpose.

SECTION 4. The change in law made by this Act in amending Section 508.281(c), Government Code, applies only to a hearing held on or after the effective date of this Act. A hearing held before the effective date of this Act is governed by the law in effect on the date the hearing was held, and the former law is continued in effect for that purpose.

SECTION 5. Same as introduced version.