

- SUBJECT:** Reducing time allowed for parole board to dispose of some violations
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 6 ayes — Allen, Hopson, Stick, Alonzo, Farrar, Mabry
0 nays
1 absent — Haggerty
- WITNESSES:** For — *(Registered, but did not testify:)* Mike White, Sheriff Association of Texas and Orange County Sheriff's Office
Against — None
On — Bryan Collier, Texas Department of Criminal Justice; Keith E. Hottle, Board of Pardons and Paroles
- BACKGROUND:** Government Code, sec. 508.282 imposes deadlines that the Board of Pardons and Paroles (BPP) and Texas Department of Criminal Justice (TDCJ) must meet in holding hearings and disposing of charges that a parolee has violated the conditions of parole. In general, a hearing must be held within 61 days of the execution of an arrest warrant if the person is accused of an administrative violation of parole and has not been charged with a new offense within those 61 days. Administrative violations of parole involve items such as failing to appear for a meeting with parole officers or absconding.

The BPP and TDCJ are not required to meet this deadline if the sheriff does not provide them a place to hold the hearing. In these cases, they must dispose of the charges within 60 days of being provided a place for the hearing. If an inmate is given a continuance, charges must be disposed of by the 30th day after the date the board and department would have had to dispose of the case under the original deadline.
- DIGEST:** CSHB 3335 would give the BPP and TDCJ 31 days, instead of 61, to dispose of charges against parolees who were accused of administrative violations of their parole. If the board and department had not been given a place to hold

the hearing, they would have dispose of the charges within 30 days of being given a place.

If a continuance had been granted, the board and department would have to dispose of the charges within seven days, instead of the current 30 days, after they would have had to dispose of the case under the original deadline.

CSHB 3335 also would limit to one the number of continuances given to a releasee who was accused of a parole violation.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

CSHB 3335 would ensure that the cases of parolees accused of administrative violations of parole were disposed of quickly and efficiently and that the offenders were moved out of county jails. Many county budgets are tight, and counties cannot afford to continue to house parole violators for long periods of time while waiting for the state to dispose of the cases. The limit imposed by CSHB 3335 would be similar to the one that requires the state to move offenders sentenced to state facilities out of county jails within 45 days of the paperwork for their transfer being completed.

The deadlines established by the bill would not cause problems for the BPP or TDCJ because they are handling almost all cases within these deadlines now. Currently, about 88 percent of cases are being disposed of within 31 days. The board should be able to improve on this measure if HB 1849 by Allen is enacted, requiring TDCJ to use a summons rather than a warrant to address a parole violations by low-risk offenders, thereby eliminating the need to house such offenders in county jails while awaiting the disposition of their cases. The statutes should require the BPP to handle these cases within shorter deadlines to ensure that the board does not change its priorities in the future and leave these offenders in county jails for long periods.

The bill also would limit parolees' continuances to one to ensure that they did not abuse the process and seek multiple continuances simply to delay their cases, resulting in higher costs for the county. CSHB 3335 would not penalize the board or department for not meeting the seven-day deadline concerning continuances, but setting the deadline in statute is important to give them a goal. With the two deadlines established by CSSB 3335, the BPP would have

more than a month to deal with cases involving a continuance. The new deadline would affect relatively few cases. Only about 1,600 of the 15,000 cases handled by the board last year involved continuances, and very few of those involved multiple continuances.

OPPONENTS
SAY:

The Legislature should not limit the flexibility of the BPP and TDCJ in disposing of these cases. If almost all current cases are being handled within the deadlines that CSHB 3335 would impose, there is no need to change the statutory deadline. It would be better to leave the current deadlines so that the BPP would have more time if necessary.

It would be inappropriate to limit continuances in statute. More than one continuance could be warranted for various reasons, such as the failure of a police officer or witness to appear or because an inmate had requested an attorney. BPP hearing officers should continue to make decisions about whether to grant continuances on a case-by-case basis. If a parolee asks for an unwarranted continuance, the hearing officer can deny it.

OTHER
OPPONENTS
SAY:

The proposed seven-day deadline for dealing with continuances is too narrow. Last year, it took an average of 47 days to dispose of approximately 1,600 continuances, and reducing that period to seven days could be difficult.

NOTES:

The committee substitute added the provision limiting a parolee to one continuance.

The companion bill, SB 880 by Whitmire, passed the Senate on the Local and Uncontested Calendar on April 16 and was reported favorably as substituted by the House Corrections Committee on April 29, making it eligible for consideration in lieu of HB 3335.

HB 1849 by Allen, which would require TDCJ to use a summons rather than a warrant to address a parole violation by a low-risk offender, passed the House on April 7 and has been referred to the Senate Criminal Justice Committee.