

**SUBJECT:** Requiring TDCJ to issue summons to certain parole violators

**COMMITTEE:** Corrections — committee substitute recommended

**VOTE:** 8 ayes — Madden, Allen, Cain, Marquez, Parker, Perry, White, Workman  
0 nays  
1 absent — Hunter

**WITNESSES:** For — Chris Cunico, Texas Criminal Justice Coalition; John Dahill, Texas Conference of Urban Counties; Tim Johnson, Bexar County Commissioners; (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas; Adrian Garcia, Sheriff's Association of Texas; Frank Knaack, American Civil Liberties Union of Texas; Mark Mendez, Tarrant County Commissioners Court; Laura Nicholes, Texas Association of Counties; Mark Roark, Limestone County Sheriff's Office; Terry Simpson, San Patricio County and County Judges and Commissioners Association; Dennis Wilson, Sheriff's Association of Texas)  
  
Against — None  
  
On — Katrina Daniels, Bexar County District Attorney's Office; (*Registered, but did not testify*: Shannon Edmonds, Texas District and County Attorneys Association)

**BACKGROUND:** Under Government Code sec. 508.251, the parole division of the Texas Department of Criminal Justice (TDCJ) may issue an arrest warrant for a parolee who is accused of a technical violation of parole or of committing a new offense. These warrants sometimes are called "blue warrants" due to the color of paper on which they are printed. Parolees arrested under a blue warrant are held in county jails pending a hearing to determine if their parole will be revoked.  
  
TDCJ may issue a summons, rather than an arrest warrant, for certain parole violators. The parolees who are issued a summons cannot be on intensive or superintensive supervision, absconders, or determined by TDCJ to be a threat to public safety.

Technical parole violations, also called administrative parole violations, include violating a curfew or not participating in treatment programs.

**DIGEST:**

CSHB 2735 would require TDCJ to issue a summons to certain parole violators to appear at a parole revocation hearing. Summons would have to be issued to parolees who were:

- charged only with committing administrative violations of their parole that were alleged to have occurred at least three years after they had been released on parole;
- not serving sentences that required them to register with the state's sex offender registry; and
- not on intensive or superintensive supervision, not absconders, and not determined by TDCJ to be a threat to public safety.

The bill would take effect September 1, 2011, and apply only to persons charged with a parole violation on or after that date.

**SUPPORTERS  
SAY:**

CSHB 2735 would help address the problem some county jails have with overcrowding due, in part, to housing parolees accused of parole violations. Currently, large numbers of these parolees are housed in county jails while awaiting parole revocation hearings. This forces the counties to bear the cost of housing these offenders, many of whom are not a threat to public safety, while facing crowded conditions.

CSHB 2735 would require TDCJ to issue a summons, rather than an arrest warrant, for certain parolees accused of parole violations. This would mean that these parolees would not be arrested and housed in county jails while awaiting a hearing. It is inappropriate and costly to have the non-dangerous parolees described by the bill taking space in county jails that would be better used to house more serious or dangerous offenders.

CSHB 2735 would not endanger public safety because it would apply only to a narrow set of offenders and would ensure that only appropriate parolees were issued a summons. It would apply only to persons accused of administrative parole violations, not new crimes. The bill also would apply only to those accused of a violation after being on parole for three years, meaning that that these parolees had been following their parole conditions successfully. The bill would not require a summons to be issued to parolees required to register as sex offenders or to those on

intensive or superintensive supervision, absconders, or anyone determined by TDCJ to be a threat to public safety. This last requirement would allow TDCJ to use its discretion to make sure that no one who was dangerous was issued a summons instead of an arrest warrant.

Having appropriate parolees at home instead of in jail awaiting a hearing also would benefit offenders and society because these parolees could continue to work and support their families.

While CSHB 2735 might not go as far as other proposals to move parole violators out of county jails, it would balance public safety with the needs of counties for some relief in their jail populations. Even a small increase in the number of offenders receiving a summons instead of being subject to an arrest warrant could help counties.

OPPONENTS  
SAY:

CSHB 2735 would not offer enough relief to local jails. Currently, TDCJ may issue a summons, rather than an arrest warrant, for certain offenders. It is likely that TDCJ already is issuing summons to the narrow pool of offenders to which the bill would apply, so it would not significantly reduce jail populations. It would be better to broaden the pool of offenders who could receive summonses.

NOTES:

The original bill would have allowed certain parolees who had been arrested and were being held in county jails to be released on bond pending their parole revocation hearing.

The companion bill, SB 1530 by Hinojosa, has been referred to the Senate Criminal Justice Committee.