

- SUBJECT:** Criteria for summons for certain parole violators, process after summons
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 6 ayes — Herrero, Carter, Burnam, Canales, Leach, Moody  
1 nay — Schaefer  
1 absent — Hughes  
1 present, not voting — Toth
- SENATE VOTE:** On final passage, May 1 — 31-0
- WITNESSES:** For — (*Registered, but did not testify:* Laura Nicholes, Texas Association of Counties; Craig Pardue, Dallas County)  
Against — None
- 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 to appear at a parole revocation hearing. 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.
- Under Government Code, sec. 508.281, TDCJ is required to issue a summons to certain parole violators to appear at a parole revocation hearing. Summons must be issued to persons:
- 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; or
- not on intensive or superintensive supervision, not absconders, and not 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.

Under sec. 508.281, if a revocation hearing is to be held, sheriffs must provide a place for the hearing. Upon conclusion of the hearing, an arrest warrant can be issued requiring the parolee to be held in the county jail pending a decision by a parole panel.

**DIGEST:**

SB 1522 would revise the conditions under which TDCJ was required to issue summons for parolees to appear at a revocation hearing. The bill would remove the stipulation that the summons could be issued only for those whose administrative violations occurred after three years on parole. TDCJ would be required to issue a summons for any offender with administrative violations who was not precluded from a summons by other criteria.

The bill would prohibit summons for anyone serving a sentence for, or who previously had been convicted of:

- any offense under Penal Code, ch. 29 on robbery;
- any felony offense under Title 5 of the Penal Code, which are offenses against persons; or
- any family violence offense.

Summons would continue as under current law to be prohibited for those serving sentences that required them to register with the state's sex offender registry, those on intensive or superintensive supervision, absconders, and those determined by TDCJ to be a threat to public safety.

Sheriffs would have to give consent for hearings in response to a summons to be held in a county jail. If a hearing officer determined that a parolee had violated a condition of parole, the officer would have to notify the parole board. A warrant for the parolee could be issued only after a final determination by the parole board about whether the parolee had violated a condition of parole.

The bill would take effect September 1, 2013, and would apply to a releasee for whom a summons was issued or a hearing held on or after that date.