

BILL ANALYSIS

Senate Research Center

H.B. 1112
By: Hawley (Duncan)
Finance
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Committee Report (Amended)

DIGEST

Current law provides that if a parolee violates parole, the state shall issue an arrest warrant for the arrest of the parole violator. The counties are required to arrest and hold these state inmates. If the Board of Pardons and Paroles (board) fails to hold a hearing within 120 days of the arrest, the arrest warrant must be withdrawn. During the 120 days, a continuance may be requested for up to 60 days. The parolee may then be held for an additional 30 days after the hearing. Therefore, it is possible for a parolee to be held in county jail on an arrest warrant for 210 days. Additionally, the counties are required to hold these prisoners without knowing how long the prisoner will be housed in the county facility. This bill will provide new regulations regarding certain hearings concerning the revocation of the release status of persons under the supervision of the pardons and paroles division of the Texas Department of Criminal Justice and the housing of those persons pending the hearings.

PURPOSE

As proposed, H.B. 1112 provides new regulations regarding certain hearings concerning the revocation of the release status of persons under the supervision of the pardons and paroles division of the Texas Department of Criminal Justice and the housing of those persons pending the hearings.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 42.18, Code of Criminal Procedure, by adding Section 13A, as follows:

Sec. 13A. TRANSFER PENDING REVOCATION HEARING. Authorizes the Texas Department of Criminal Justice (TDCJ), as provided by Section 14(h), to authorize a facility that is otherwise required to detain and house a prisoner or person to transfer the prisoner or person to a correctional facility operated by TDCJ or under contract with TDCJ if certain conditions are met.

SECTION 2. Amends Section 14, Article 42.18, Code of Criminal Procedure, to require certain persons to be entitled to be heard on certain charges before a parole panel or a designee of the Board of Pardons and Paroles (board) within a period that permits a parole panel, a designee of the board, or TDCJ to dispose of the charges within the periods established by Subsections (c) and (d). Sets forth regulations regarding a preliminary hearing to be held to determine whether probable cause or reasonable grounds exist to believe that the prisoner or person has committed an act that would constitute a violation of a condition of release. Deletes existing text requiring the hearing to be held within a certain time period unless certain conditions apply. Sets forth regulations regarding disposition of the charges against a prisoner or person described by Subsection (a) by the parole panel, a designee of the board, or TDCJ. Deletes a requirement that the parole panel or designee make its recommendation or decision no later than the 30th day after the date the hearing is concluded. Provides that, in Subsections (c) and (d), charges against a prisoner or person are disposed of when certain conditions are met. Authorizes a summons to be issued requiring the prisoner or person to appear for a hearing under this section. Deletes existing Subsection (c) regarding withdrawal of a warrant.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: January 1, 1998.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

(1) On page 4, lines 19-21, strike "the prisoner or person is granted a continuance by a parole panel or a designee of the board in the prisoner's or person's hearing under Subsection (a)" and substitute "a parol panel or designee of the board determines that a continuance in the hearing under Subsection (a) is necessary."

(2) On page 5, lines 25, between "conditions" and the comma, insert "or when a summons is issued for a hearing under this section".

(3) On page 6, lines 15-17, strike "and a summons is issued under Section 13(a) requiring the prisoner or person to appear for a hearing under this section".

(4) On page 6, between lines 24 and 25, insert the following:

(j) If a warrant for a prisoner or person issued under Section 13(a) is withdrawn, a summons may be issued requiring the prisoner or person to appear for a hearing under this section.