

BILL ANALYSIS

Senate Research Center
76R7478 PEP-D

C.S.H.B. 854
By: Capelo (Armbrister)
Criminal Justice
4/29/1999
Committee Report (Substituted)

DIGEST

Currently the Texas Department of Criminal Justice (TDCJ) conducts a Texas Crime Information Center/National Crime Information Center criminal history check on all new admissions to the prison system. Should there be an outstanding warrant, the department contacts the appropriate jurisdiction to ask whether it wishes to place a detainer on the inmate. If a warrant is issued after an inmate has entered the prison system, the entity placing the warrant can verify that the inmate is incarcerated in the department and contact the department if it wants to place a detainer on the inmate. H.B. 854 requires the department to check for warrants at the time of release to insure that outstanding warrants are addressed before releasing an inmate or defendant from custody.

PURPOSE

As proposed, H.B. 854 requires the identification of certain persons confined by the Texas Department of Criminal Justice who are subject to a warrant.

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 Chapter 493, Government Code, by adding Section 493.0145, as follows:

Sec. 493.0145. IDENTIFICATION OF INMATES SUBJECT TO ARREST WARRANT. Requires the Texas Department of Criminal (TDCJ) to conduct a criminal history record check to determine whether the inmate is the subject of an arrest warrant, before an inmate is discharged or is released on parole or mandatory supervision from TDCJ. Requires the department, in conducting the criminal history record check, to allow sufficient time for compliance with any requirements related to notifying the proper authorities of the inmate's discharge or release and, if necessary, processing a demand for extradition of the inmate.

SECTION 2. Amends Chapter 507B, Government Code, by adding Section 507.032, as follows:

Sec. 507.032. IDENTIFICATION OF DEFENDANTS SUBJECT TO ARREST WARRANT. Requires the department to conduct a criminal history record check to determine whether the defendant is the subject of a warrant, before a defendant is released from confinement in a state jail felony facility. Requires the department to allow sufficient time for compliance with any requirements related to notify the proper authorities of the defendant's release and, if necessary, processing a demand for extradition of the defendant.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 493.0145, Government Code, to require the department, in conducting the criminal history record check, to allow sufficient time for processing a demand for extradition of the inmate.

SECTION 2.

Amends Section 507.032, Government Code, to make a conforming change.