

## **BILL ANALYSIS**

Senate Research Center  
81R6369 HLT-F

H.B. 2100  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

County jails are overcrowded with defendants known as blue warrants (defendants who are awaiting a probation revocation hearing and possible transfer to a state facility) and are faced with having these state inmates remanded to a county facility for excessive periods pending a parole hearing. The increase of the blue warrant population in many county jails has increased operating costs and contributed to a rise in the overall jail population.

H.B. 2100 amends current law relating to procedures for certain persons charged with certain new offenses or an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 508.254, Government Code, by amending Subsection (c) and adding Subsections (d)-(f), as follows:

(c) Requires a person returned to custody, except as provided by Subsection (d), pending a hearing on a charge of parole violation, ineligible release, or violation of a condition of mandatory supervision, to remain confined. Makes a nonsubstantive change.

(d) Authorizes a magistrate of the county in which the person is held in custody to release the person on bond pending the hearing if:

(1) the person is arrested or held in custody only on a charge that the person committed an administrative violation of release or violated a condition of release by committing a new offense for which the person is eligible for release on bond, other than an offense under Chapter 29 (Robbery), Penal Code; an offense under Title 5 (Offenses Against the Person), Penal Code, punishable as a felony; or an offense involving family violence as defined by Section 71.004 (Family Violence), Family Code;

(2) the division, in accordance with Subsection (e), included notice on the warrant for the person's arrest that the person is eligible for release on bond; and

(3) the magistrate determines that the person is not a threat to public safety.

(e) Requires the division to include a notice on the warrant for the person's arrest indicating that the person is eligible for release on bond under Subsection (d) if the division determines that the person is not on intensive supervision or super-intensive supervision, is not an absconder, and is not a threat to public safety.

(f) Provides that the provisions of Chapters 17 (Bail) and 22 (Forfeiture of Bail), Code of Criminal Procedure, apply to a person released under Subsection (d) in the same manner as those provisions apply to a person released pending an appearance before a court or

magistrate, except that the release under Subsection (d) is conditioned on the person's appearance at a hearing under this subchapter.

SECTION 2. Provides that the change in law made by this Act applies only to a person who on or after the effective date of this Act is charged with a violation of the person's release on parole or to mandatory supervision. Provides that a person who before the effective date of this Act was charged with a violation of release is governed by the law in effect when the violation was charged, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2009.