

BILL ANALYSIS

Senate Research Center
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H.B. 2735
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the pardons and paroles division of the Texas Department of Criminal Justice (division; TDCJ) is authorized to issue an arrest warrant, also known as a blue warrant, for a parolee who is accused of a technical violation of parole or of committing a certain new offense.

A parolee arrested under a blue warrant is held in a county jail pending a hearing to determine whether parole will be revoked. Holding those arrested under a blue warrant leads to overcrowded conditions in county jails and an increase in operating costs for county jails.

In an effort to remedy this situation, H.B. 2735 allows for the issuance of a summons requiring certain parolees to appear for a hearing before a parole panel or certain designated agent.

H.B. 2735 requires the division, instead of issuing a warrant for the return of certain paroled or released persons to the institution from which the person was paroled or released, to issue to the person a summons to appear for a hearing before a parole panel or a designated agent of the Board of Pardons and Paroles, if the person is charged only with committing an administrative violation of release that is alleged to have been committed after the third anniversary of the date the person was released on parole or to mandatory supervision; is not serving a sentence for, and has not been previously convicted of, an offense listed as a reportable conviction or adjudication under the sex offender registration program; and is not a releasee to whom a summons may not be issued under law because the releasee is on intensive supervision or superintensive supervision, is an absconder, or is determined by the division to be a threat to public safety.

H.B. 2735 amends current law relating to procedures for certain persons charged with 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 508.251, Government Code, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Provides that instead of the issuance of a warrant under this section, the pardons and paroles division of the Texas Department of Criminal Justice:

(1) may issue to the person a summons requiring the person to appear for a hearing under Section 508.281 (Hearing) if the person is not a releasee who is, rather than unless the person is a releasee who is:

(A) on intensive supervision or superintensive supervision;

(B) an absconder; or

(C) determined by the division to be a threat to public safety; and

(2) shall issue to the person a summons requiring the person to appear for a hearing under Section 508.281 if the person:

(A) is charged only with committing an administrative violation of release that is alleged to have been committed after the third anniversary of the date the person was released on parole or to mandatory supervision;

(B) is not serving a sentence for, and has not been previously convicted of, an offense listed in or described by Article 62.001(5) (defining "reportable conviction or adjudication"), Code of Criminal Procedure; and

(C) is not a releasee with respect to whom a summons may not be issued under Subdivision (1).

Makes nonsubstantive changes.

(c-1) Creates this subsection from existing text. Requires that a summons issued under Subsection (c) state the time, date, place, and purpose of the hearing. Makes a nonsubstantive change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.