

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1522  
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Criminal Justice  
4/26/2013  
Committee Report (Substituted)

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

The parole division of the Texas Department of Criminal Justice (TDCJ) may issue an arrest warrant for a parolee who is accused of technical violation of parole or of committing a new offense. These warrants are sometimes referred to as "blue warrants" due to the color of paper on which they are printed. Parolees arrested under a blue warrant are held in a county jail pending a hearing to determine if their parole will be revoked. Section 508.254(c), Government Code, requires that persons who are in custody pending a hearing on charges of violation their parole must remain confined.

C.S.S.B. 1522 amends current law relating to the procedures applicable to the revocation of a person's release 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(c), Government Code, as follows:

(c) Requires the pardons and paroles division, instead of the issuance of a warrant under this section, to:

(1) Makes no change to this subdivision; and

(2) issue to the person a summons requiring the person to appear for a hearing under Section 508.281 (Issuance of Warrant or Summons) if the person:

(A) is charged only with committing an administrative violation of release, rather than charged with 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:

(i) an offense listed in or described by Article 62.001(5) (defining "reportable conviction or adjudication"), Code of Criminal Procedure;

(ii) an offense under Chapter 29 (Robbery), Penal Code, or an offense under Title 5 (Offenses Against the Person), Penal Code, punishable as a felony; or

(iii) an offense involving family violence, as defined by Section 71.004 (Family Violence), Family Code; and

(C) Makes no change to this paragraph.

SECTION 2. Amends Section 508.281, Government Code, by adding Subsection (a-1) and amending Subsection (c), as follows:

(a-1) Prohibits a hearing for a release appearing in response to a summons from being held in a county jail without the consent of the sheriff of the applicable county.

(c) Requires a designated agent of the Board of Pardons and Paroles (BPP) to notify the BPP if the agent determines that a releasee who appears in compliance with a summons has violated a condition of release. Authorizes the pardons and paroles division, after the BPP or parole panel makes a final determination regarding the violation, to issue a warrant requiring the releasee to be held in a county jail pending the return of the releasee to the institution from which the releasee was released.

Deletes existing text requiring the sheriff of the county in which the releasee is required to appear to provide the agent with a place at the county jail to hold the hearing if a hearing before a designated agent of the BPP is held under this section for a releasee who appears in compliance with a summons. Deletes existing text authorizing a warrant to be issued immediately on conclusion of a hearing in which the designated agent determines that a releasee has violated a condition of release requiring the releasee to be held in the county jail pending the action of a parole panel on any recommendations made by the designated agent, and the return of the releasee to the institution from which the releasee was released if subsequently ordered by the parole panel.

SECTION 3. Provides that the change in law made by this Act in amending Section 508.251, Government Code, applies only to a releasee for whom a warrant or summons is issued on or before the effective date of this Act. Provides that a releasee for whom a warrant or summons is issued before the effective date of the Act is governed by the law in effect on the date the warrant or summons was issued, and the former law is continued in effect for that purpose.

SECTION 4. Provides that the change in law made by this Act in amending Section 508.251, Government Code, applies only to a hearing held on or after the effective date of this Act. Provides that a hearing held before the effective date of this Act is governed by the law in effect on the date the hearing was held, and the former law is continued in effect for that purpose.

SECTION 5. Effective date: September 1, 2013.