

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 380
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

“Blue warrants” are orders issued by the Parole Division of the Texas Department of Criminal Justice to individuals on parole or under mandatory supervision who are accused of violating the terms of their release or committing a new crime. These individuals are then incarcerated in a county jail until a hearing is held to decide whether to revoke them to prison or release them back to the community. Warrants are often issued even when the individual does not pose a threat to public safety. This practice causes substantial cost to counties and keeps individuals away from home and work.

In fiscal year 2013, the Texas Board of Pardons and Paroles (BPP) held 20,662 such hearings. After 10,777 of these hearings, the individuals were simply released back to the community, indicating the BPP did not consider them a threat to public safety. In cases that see the parolee return to the community, this stay in jail is counterproductive. It deprives the family of a parent and costs the individual his job for issues that do not merit incarceration.

In addition, each time state parole officers issue a warrant and set a hearing, it represents a stay in the county jail. This stay often lasts for weeks, causing substantial cost to the county and keeping the individual away from home and work. In fiscal year 2013, the 10 most populous Texas county jails together paid almost \$98,000 per day to house individuals who were incarcerated as the result of these warrants.

Section 508.251(c) of the Government Code currently authorizes a less costly practice. The Parole Division can use a summons instead of a warrant, under limited circumstances. C.S.S.B. 380 amends Section 508.251(c) to expand the use of summons in two situations that pose low risk to public safety: first, for parolees accused of administrative violations who have been under supervision at least one year; and second, for parolees accused of Class B and Class C misdemeanors who have a stable job, stable home, and no history of family violence.

By allowing individuals who have committed minor crimes but demonstrated long-term stability to keep their housing and employment while they await the decision of the BPP, S.B. 380 will save counties millions of dollars, allowing them to devote funds to other local endeavors that will increase community prosperity and contribute to public safety.

C.S.S.B. 380 amends current law relating to procedures for certain persons charged with a 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(c), Government Code, 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 (division):

(1) Makes no change to this subdivision;

(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:

(i) an administrative violation of release that is alleged to have been committed after the first anniversary, rather than third anniversary, of the date the person was released on parole or to mandatory supervision; or

(ii) a new offense that is alleged to have been committed after the first anniversary of the date the person was released on parole or to mandatory supervision if:

(a) the new offense is a Class B or Class C misdemeanor, other than an offense committed against a child younger than 17 years of age or an offense involving family violence, as defined by Section 71.004 (Family Violence), Family Code;

(b) the person has maintained steady employment for at least one year;

(c) the person has maintained a stable residence for at least one year; and

(d) the person has not previously been charged with an offense after the person was released on parole or to mandatory supervision;

(B) and (C) Makes no change to these paragraphs.

SECTION 2. Amends Section 508.281(c), Government Code, as follows:

(c) Authorizes a warrant to be issued after the Texas Board of Pardons and Paroles (BPP) or a parole panel makes a final determination that a releasee has violated a condition of release, requiring the releasee to be held in the county jail pending:

(1) transfer to an intermediate sanction facility; or

(2) the return of the releasee to the institution from which the releasee was released.

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 if subsequently ordered by the parole panel, the return of the releasee to the institution from which the releasee was released.

SECTION 3. Provides that the change in law made by this Act in amending Section 508.251(c), Government Code, applies only to a person who on or after the effective date of this Act is charged with a violation of the terms of the person's release on parole or to mandatory supervision. Makes application of this Act prospective.

SECTION 4. Provides that the change in law made by this Act in amending Section 508.251(c), Government Code, applies only to a hearing held on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2015.