

## Allowing release on bond of certain parolees in jail awaiting parole revocation hearings

HB 541 by Martinez Fischer (Hinojosa)

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**DIGEST:** HB 541 would have allowed certain parolees who had been arrested and were being held in a county jail to be released on bond pending their parole revocation hearing.

Magistrates could have released persons accused of committing an administrative violation of their parole or accused of committing certain misdemeanors. Parolees accused of family violence offenses and class A or class B misdemeanors that were offenses against persons or intoxication and alcoholic beverage offenses would not have been eligible for release on bond.

To release a parolee, a magistrate would have had to find that a parolee was not a threat to society, and the parole division of the TDCJ would have had to include notice on the arrest warrant that the person was eligible for release on bond. TDCJ would have had to include this notice on the arrest warrant if it determined:

- that the person had not been previously convicted of robbery, a felony offense against a person, or any family violence offense;
- was not on intensive or super-intensive supervision;
- was not an absconder; and
- was not a threat to public safety.

### GOVERNOR'S REASON FOR VETO:

“House Bill No. 541 would allow some parolees who have been arrested for violating the terms of their parole to be released on bond from jail. Currently a parole violator is not authorized to have bail set so that they may be released on bond. Although House Bill No. 541 applies only to administrative violations and certain misdemeanor offenses, these offenders should not be given freedom when their return to prison or other sanctions are imminent, particularly considering that the top 10 fugitives being sought by the Department of Public Safety are parole violators. I understand and am sympathetic to the concerns of counties that are experiencing capacity problems at their jails because of the number of parole violators they must house, but I believe this bill will have negative unintended consequences, and other alternatives should be considered to lessen the burden on county jails.”

**RESPONSE:** Rep. Trey Martinez Fischer, the bill’s author, said: “Texas is on the verge of a crisis. Nearly every urban county jail is at its fullest capacity. According to the most recent Jail Population Report from the Texas Commission on Jail Standards, Texas jails are 86 percent full. Each day there are fewer and fewer beds to house prisoners. We must prioritize protecting Texans from the most dangerous criminals. HB 541 would have allowed bonding for certain parole violators who were not a threat to public safety and would have saved Texas counties as much as \$50 million dollars per year, freeing up space to incarcerate the most threatening common criminals.

“Mentioning the ‘Ten Most Wanted’ list in his veto message highlights the governor’s lack of understanding of the criminal justice system and HB 541. None of those criminals would have been eligible for bond because of HB 541. The fact that the ‘Ten Most Wanted’ are all parole violators is evidence of a parole system that is overtaxed and fundamentally flawed.

“HB 541 could have alleviated some of the pressure felt both at the county and the state, improving the system for all levels of government. The governor cannot have it both ways. He cannot talk tough about crime and then hamstring a county’s ability to actually protect its citizens. He cannot preach about fiscal discipline and then prevent counties from saving money by focusing incarceration on those that are a genuine threat to public safety. Finally, he ought not beat his chest about balancing budgets, all the while thousands of state inmates are being jailed on the counties’ dime.

“What this veto guarantees is that sometime in the next two years, a county will have to make a hard choice about the incarceration of a dangerous criminal. The county can change the level of custody of the dangerous criminal, but it cannot bond out the state inmate who only technically violated his or her parole. I would rather use the taxpayers’ money to jail the dangerous criminal and monitor the technical violator. However, the governor’s veto insures that the opposite will happen and that shouldn’t make anyone feel very safe or secure.”

Sen. Juan Hinojosa, the Senate sponsor, had no comment on the veto.

**NOTES:**

HB 541 was analyzed in Part Four of the *May 7 Daily Floor Report*.