

BILL ANALYSIS

S.B. 790
By: Kolkhorst
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, some county jails are overcrowded with defendants awaiting a probation revocation hearing and possible transfer to a state facility, otherwise known as a blue warrant. There is concern about the fact that these county jails are faced with housing these state inmates for excessive periods pending a parole hearing. The increase in the blue warrant population in many county jails has led to increased operating costs and contributed to a worrying rise in the overall jail population. S.B. 790 seeks to address this issue by revising provisions relating to the detention of a person who is the subject of a warrant.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 790 amends the Government Code to authorize the magistrate of a county holding in custody a person released on parole or to mandatory supervision who is the subject of a warrant for the person's return to release the person on bond pending the hearing on the matter if the following conditions exist: the person is arrested or held in custody only on a charge that the person committed an administrative violation of release, the pardons and parole division of the Texas Department of Criminal Justice included notice on the warrant for the person's arrest that the person is eligible for release on bond, and the magistrate determines that the person is not a threat to public safety.

S.B. 790 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 if the division determines that the person is not on intensive supervision or super-intensive supervision, is not an absconder, is not a threat to public safety, and has not been previously convicted of robbery, an offense against the person punishable as a felony, or an offense involving family violence. The bill makes Code of Criminal Procedure provisions relating to bail and the forfeiture of bail applicable to a person released under the bill's provisions in the same manner as those provisions apply to a person released pending an appearance before a court or magistrate, except that the bill conditions the release on the person's appearance at a hearing relating to the warrant.

S.B. 790 removes the requirement that the sheriff of the county in which a releasee is required to appear in compliance with a summons for a hearing before a designated agent of the Board of Pardons and Paroles provide the agent with a place at the county jail to hold the hearing and removes the authorization for the issuance of a warrant, immediately on conclusion of a hearing

in which the agent determines a releasee violated a condition of release, requiring the releasee to be held in the county jail pending parole panel action and the releasee's return to the releasing institution. The bill instead requires the agent to notify the board if the agent determines that the releasee has violated a condition of release and authorizes the division, after the board or a 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 releasee's return to the releasing institution.

EFFECTIVE DATE

September 1, 2015.