

- SUBJECT:** Requiring summons instead of warrants for certain parole violations
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 9 ayes — White, Allen, Bailes, Bowers, Dean, Morales, Neave, Sherman, Stephenson
- 0 nays
- WITNESSES:** For — Alycia Speasmaker, Texas Criminal Justice Coalition; (*Registered, but did not testify*: Lauren Johnson, American Civil Liberties Union of Texas; Pamela Brubaker, Austin Justice Coalition; Melissa Shannon, Bexar County Commissioners Court; David Johnson, Grassroots Leadership; Kathleen Mitchell, Just Liberty; Sally Hernandez, Sheriffs Association of Texas; Russell Schaffner, Tarrant County; Sue Gabriel, Texas Advocates for Justice; Windy Johnson, Texas Conference of Urban Counties; Reginald Smith, Texas Criminal Justice Coalition; Charlie Malouff, Texas Inmate Families Association; Alexis Tatum, Travis County Commissioners Court; Carl F. Hunter II; Laurie Pherigo; Sandra Wolff)
- Against — None
- On — Allen Place, Texas Criminal Defense Lawyers Association; (*Registered, but did not testify*: Pamela Thielke, Texas Department of Criminal Justice)
- BACKGROUND:** Under Government Code ch. 508, the Texas Department of Criminal Justice (TDCJ) may issue a warrant for the return of a person released on parole or mandatory supervision if the person has been arrested for an offense or violates a rule or condition of release.
- Government Code sec. 508.251(c)(1) allows TDCJ to issue a summons instead of a warrant if the person is not a releasee who is on intensive supervision or superintensive supervision, an absconder, or determined to be a threat to public safety.

TDCJ also may issue a summons instead of a warrant to a person charged only with committing a new offense after the first anniversary of the person's release if both the new offense and the releasee met certain criteria.

DIGEST: CSHB 2559 would require, rather than allow, the Texas Department of Criminal Justice (TDCJ) to issue a summons instead of a warrant to a releasee under certain circumstances provided for under Government Code sec. 508.251(c)(1).

A warrant could not be issued for the return of a person unless the person had previously failed to appear for a hearing in response to a summons.

The bill would take effect September 1, 2019.

SUPPORTERS SAY: By requiring TDCJ to issue a summons rather than a warrant for certain parole violations, CSHB 2559 would help nonviolent offenders with only minor parole violations maintain employment and remain productive members of the community pending disposition of charges against them. Releasees committing minor parole violations should be allowed an opportunity to show rehabilitative potential and progress, and the bill simply would give them that opportunity.

The bill would reduce county jail populations, allowing resources to be used more effectively and decreasing the burden on taxpayers. Jail beds should be saved for those who are a threat to public safety, and jail resources currently used for the supervision of nonviolent parolees with minor parole violations could better be used for others in custody.

OPPONENTS SAY: CSHB 2559 would remove the discretion TDCJ currently has to make decisions on whether to issue a warrant for or a summons to a releasee for certain parole violations. The division should retain the flexibility to make such decisions on a case-by-case basis based on knowledge about the individuals and other circumstances.