

**SUBJECT:** Use of county jails as intermediate sanction facilities for parole violators

**COMMITTEE:** Corrections — committee substitute recommended

**VOTE:** 9 ayes — Haggerty, Farrar, Allen, Hodge, Ellis, Gray, Hopson, Isett, Ritter  
0 nays

**WITNESSES:** For — Capt. Gregory W. Leveling, Denton County Sheriff’s Office; Rider Scott, Denton County; *Registered but did not testify:* Capt. Bob Powell, Denton County Sheriff’s Office  
  
Against — None  
  
On — Tony Fabelo, Criminal Justice Policy Council; Victor Rodriguez, Texas Department of Criminal Justice

**BACKGROUND:** Arrest warrants may be issued for people who have been released from prison on parole, mandatory supervision, or a conditional pardon if they are accused of violating a rule or conditions of their parole, if they have been arrested for an offense, if there is reliable evidence that they pose a danger to society, or if they have been released but were not actually eligible for parole. These warrants, commonly called “blue warrants,” are issued to peace officers, who then arrest and hold the person pending a parole revocation hearing.

Under Code of Criminal Procedure, art. 42.18, a person accused of a parole violation is entitled to a hearing with a parole panel to determine if parole will be revoked, modified, or left unchanged. Government Code, sec. 508.283 outlines sanctions for parole violators. Based on evidence presented in the revocation hearing, the parole panel or designated agent of the Board of Pardons and Paroles may continue, revoke, or modify the parole or mandatory supervision. If revoked, the person may have to serve the rest of the sentence on which he or she was released without credit for the time from the date of release to the date of revocation. If a blue warrant is issued or a summons is issued for a revocation hearing, the sentence time credit may be

suspended until a determination is made in the case and may be reinstated if the parole, mandatory supervision, or conditional pardon is continued.

Parolees revoked on technical violations, such as failure to report to a parole officer or undergoing a urinalysis that reveals drug use, often are sent to an intermediate sanction facility (ISF) for 60 to 180 days in lieu of being returned to prison. It has been suggested that keeping such violators in the county jail where they are housed awaiting the revocation hearing would be more efficient than the current process of moving offenders to an ISF.

**DIGEST:** CSHB 3504 would allow the Board of Pardons and Paroles to require a person on parole or mandatory supervision found to have violated the conditions of release to remain in a county jail for a period of not less than 60 days or more than 180 days. A sheriff would not have to accept the inmate unless the Texas Department of Criminal Justice and the commissioners court of the county in which the sheriff served had entered into a contract providing for the housing of people sanctioned under this provision.

The bill would take effect September 1, 2001.

**NOTES:** The bill as filed would have allowed confinement in a county jail for a period not to exceed 30 days for a technical parole or mandatory supervision violator. If the parolee had had a similar, previous violation, he or she could have been confined for not more than 90 days.