

SUBJECT: Allowing summons instead of warrants for certain parole violations

COMMITTEE: Corrections — committee substitute recommended

VOTE: 7 ayes — Murphy, J. White, Allen, Keough, Krause, Schubert, Tinderholt

0 nays

WITNESSES: For — Allen Place, Texas Criminal Defense Lawyers Association; Douglas Smith, Texas Criminal Justice Coalition; Mark Walters, Verus Consulting; (*Registered, but did not testify*: Lance Lowry, AFSCME Texas Correctional Employees-Huntsville; Victor Cornell, American Civil Liberties Union of Texas; Seth Mitchell, Bexar County Commissioners Court; Gyl Switzer, Mental Health America of Texas; Mark Mendez, Tarrant County Commissioners Court; Donald Lee, Texas Conference of Urban Counties; Jennifer Erschabek, TIFA; Deece Eckstein, Travis County Commissioners Court)

Against — None

On — Rissie Owens, Board of Pardons and Paroles; (*Registered, but did not testify*: Tim McDonnell, Board of Pardons and Paroles; Stuart Jenkins, Texas Department of Criminal Justice)

BACKGROUND: Under Government Code, ch. 508 the Texas Department of Criminal Justice's pardons and paroles division may issue a warrant or summons requiring a person released on parole or mandatory supervision to appear for a hearing if the person has been arrested for an offense or the person violates a rule or condition of release.

The division is required to issue a summons instead of a warrant if the person is charged only with an administrative violation after the third year following their release and certain other conditions are met.

There is no provision that would require the division to issue a summons instead of a warrant for persons who commit only minor crimes. Those

individuals are released into the community after their hearings before the board of pardons and paroles but in the meantime are kept in county jail for an average of 34 days.

DIGEST:

CSHB 710 would require that the pardons and parole division issue a summons instead of a warrant if a releasee was charged only with committing a new offense after the first anniversary of the person's release if the new offense were a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) or class C misdemeanor (maximum fine of \$500), other than an offense committed against a minor or an offense involving family violence, and:

- the person had maintained steady employment and a stable residence for at least a year;
- the person had not been previously charged with an offense after release;
- the person was not a convicted sex offender;
- the person was not on intensive supervision or superintensive supervision;
- the person was not an absconder; and
- the person was not determined by the division to be a threat to public safety.

Under the bill, the pardons and parole division would be required to issue a summons instead of a warrant if a releasee was charged only with committing an administrative violation after the first anniversary of the person's release date, rather than the third anniversary as under current law.

If a releasee appeared to be in compliance with a summons and was found to be in violation of a condition of release, a warrant could not be issued until the board or parole panel made a final determination revoking the release.

This bill would take effect on September 1, 2015 and would apply only to violations charged and hearings held on or after that date.