

House Corrections Committee Interim Charge #3

The parole revocation process in Texas is initiated whenever the State of Texas moves to revoke an individual's parole based either on a technical violation or a new offense or both situations. The first move by the State of Texas on a parole revocation process is either the issuance of a blue warrant or a move to a summons hearing. In reverse order, a summons hearing is a hearing wherein the parolee is allowed to remain out of jail until the hearing. In most cases, if the parolee were to miss the summons hearing without good cause, a blue warrant is then issued (acts as an arrest warrant). In regards to a blue warrant, in most instances a blue warrant is not bondable although there are a few exceptions to this general rule.

In terms of overall fairness and with deference to counties having to pay for the cost of keeping a parolee in jail pending a parole revocation hearing, consideration as follows should be given:

1. Provide for summons hearings on all technical violations. In this instance, technical violations would be any reason to move towards a parole revocation that is not a new offense committed while the person is on parole.
2. Provide for all blue warrants to be bondable. To clarify further, if the parolee is eligible for bond based on the new charge, allow for the blue warrant to be bondable by allowing the local magistrate to set an appropriate amount of bail. Here is an example of the above: Say you have a parolee who served two years of a 5-year sentence for a controlled substance violation. After two years of being on parole and with one year left on his parole, the parolee is arrested for a new criminal charge. If the parolee is able to make bond on the new charge, then allow a local magistrate to set a bond amount on the blue warrant. If the new charge which was picked up by the parolee is not bondable under law, then the parolee will not be able to be bonded on the blue warrant either.

One of the common situations faced by parolees and county officials is an individual who is forced to wait weeks, months and even years in county jail to have their "new offense" adjudicated, only because they were not able to be bonded on a blue warrant. The argument for #2 above is that if the local county

can legally set a bond amount on a new charge, the parolee should have the right to bond on the new charge and on the blue warrant as well.

In 2019, the House Corrections committee passed out HB 2559 by Representative Bowers, a member of the Corrections committee. This bill passed the House but died in the Senate due to end of session deadlines. This Committee should reconsider Representative Bowers bill relating to summons hearings and blue warrants, especially in light of Covid-19 and case law developments since 2019 regarding blue warrants.

Respectfully submitted,

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