

[2015 Session] Require the Issuance of a Summons for Certain Individuals Accused of Parole Violations

Policy Background:

Under current law, the Parole Division of the Texas Department of Criminal Justice may order an individual under mandatory supervision or parole who is charged with a new offense or with violating a condition of parole to be detained pending a revocation hearing. While the Division is required to issue a summons to certain individuals who have committed administrative violations of release, a summons is not allowed for releasees who are charged with a new crime; instead, they must be detained pending their hearing.

Detaining parolees in county jails pending revocation hearings places an enormous financial drain on those counties, and it may result in the loss of employment, housing, and family support for those individuals.

Texas policy-makers should allow the Parole Division to issue a summons to releasees who fit certain criteria instead of ordering them to be detained in jail pending a revocation hearing. Specifically, the Division should be allowed to issue a summons to individuals who have been charged with certain misdemeanors and can show a record of stability and employment.

Key Facts:

- The 10 Texas county jails with the largest populations on November 1, 2014, housed 1,585 individuals who were being held on blue warrants for new charges.^[1] At an average aggregate daily cost of \$97,808,^[2] these 10 counties spent approximately \$36 million in Fiscal Year 2013 to house these individuals.
- In Fiscal Year 2013, the Board of Pardons and Paroles held 20,662 hearings^[3] to decide whether to return individuals to supervision or revoke their supervision. Ultimately, the Board reinstated the supervision or re-paroled more than half, or 10,777, of those individuals,^[4] which means the Board did not deem them a threat to society. And yet, each one of these individuals spent time in the county jail.

- Individuals with criminal records who are seeking employment are offered half as many positions as job seekers with identical qualifications but no record.^[5] When individuals with records find stable employment, it is crucial that they face as few obstacles as possible to keeping that employment, or risk recidivating.
- Previously incarcerated individuals have a much more difficult time finding housing than individuals without a record; an estimated four out of five landlords employ background checks to help them screen out prospective tenants with criminal records.^[6] Again, challenges to keeping stable housing should be kept at a minimum to prevent re-offending.

Relevant Bills:

- **Bill Number:** [HB 710](#) (authors: Sylvester Turner, Guillen, Deshotel, Miles, Peña | sponsor: Rodríguez)
Bill Caption: Relating to procedures for certain persons charged with a violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.
TCJE Materials: [Fact Sheet](#) | [CSHB 710 Fact Sheet](#) | [CSHB 710 Testimony](#)
House Hearing Notice: House Corrections Committee, [Notice of Public Hearing on March 26, 2015](#)
Archived House Hearing Video: House Corrections Committee, [03/26/15 Video](#) [TCJE testimony begins at 00:14:34]
Senate Hearing Notice: Senate Criminal Justice Committee, [Notice of Public Hearing on May 21, 2015](#)
TCJE Senate Action: [Card in support](#)
Outcome: **Effective 9/1/15**
- **Bill Number:** [HB 1529](#) (Peña)
Bill Caption: Relating to procedures for certain persons charged with a violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.
- **Bill Number:** [HB 3239](#) (Fletcher, Guillen)
Bill Caption: Relating to the procedures applicable to the revocation of a person's release on parole or to mandatory supervision.
Hearing Notice: House Corrections Committee, [Notice of Public Hearing on April 16, 2015](#)
TCJE Action: [Card in support](#)

- Bill Number:** [SB 380](#) (Rodríguez, Burton, Hinojosa, Perry)

Bill Caption: Relating to procedures for certain persons charged with a violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.

TCJE Materials: [Fact Sheet](#) | [Testimony](#)

Hearing Notice: Senate Criminal Justice Committee, [Notice of Public Hearing on March 31, 2015](#)

Archived Hearing Video: Senate Criminal Justice Committee, [03/31/15 Video](#) [TCJE testimony begins at 03:27:52]
- Bill Number:** [SB 790](#) (author: Kolkhorst | sponsor: Fletcher)

Bill Caption: Relating to the procedures applicable to the revocation of a person's release on parole or to mandatory supervision.

Hearing Notice: Senate Criminal Justice Committee, [Notice of Public Hearing on March 31, 2015](#)

TCJE Action: [Card in support](#)

Outcome: [Effective 9/1/15](#)

[1] Texas Commission on Jail Standards, *Abbreviated Population Report for 11/1/2014*; <http://www.tcjs.state.tx.us/docs/AbbreviatedPopReports/Abbreviated%20Pop%20Rpt%20Nov%202014.pdf>

[2] Texas Commission on Jail Standards, *Immigration Detainer Report*; <http://www.tcjs.state.tx.us/docs/ImmigrationDetainerReportCurrent.pdf>; divide total cost to county by number of inmate days.

[3] Texas Board of Pardons and Paroles, *Annual Statistical Report, Fiscal Year 2013*, p. 18; <http://www.tdcj.state.tx.us/bpp/publications/BPP%20StatisticalReport%20FY%202014.pdf>

[4] Ibid, p. 22.

[5] Pew Charitable Trusts, *Collateral Costs: Incarceration's Effect on Economic Mobility*, 2010, p. 22; http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2010/CollateralCosts1pdf.pdf

[6] Rebecca Vallas and Sharon Dietrich, “One strike and you’re out: How we can eliminate barriers to economic security and mobility for people with criminal records.” *Center for American Progress*, p. 19;
<https://cdn.americanprogress.org/wp-content/uploads/2014/12/VallasCriminalRecordsReport.pdf>