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Written Testimony, 2011  
House Bill 2735

Dear Members of the Committee,

Thank you for this opportunity to offer testimony in support of H.B. 2735. This bill is a chance to correct an expensive and problematic issue within current law. Counties typically bear the financial burden of state parolee recidivism by housing parole violators in county jails prior to a revocation hearing. This Legislature should make efforts to responsibly ease county jail overcrowding while continuing the rehabilitative functions of parole.

### **PROBLEM**

Under current law, an individual on parole for whom a warrant has been issued for a revocation (a “blue warrant”) cannot bond out of detention prior to the hearing. As such, county jails that already face significant overcrowding issues must hold these people in custody as they await their hearings. This system not only costs counties a significant amount of money, but it pulls parolees out of their life in free society. In the event of a mere administrative violation of parole conditions, these individuals have often found success in free society under supervision but they have been placed in detention awaiting a hearing that *may not* actually result in a revocation. This procedure removes parolees from their occupations and families with no recourse until their hearing, with disastrous effects on their rehabilitation and dependents.

### **FACTS**

- The practice of detaining “blue warrant” parolees in county jails comes at huge taxpayer expense: at least \$42 million per year.<sup>1</sup>
- **The Fiscal Note for H.B 2735 indicates a potential savings of \$8,278,200 over the biennium for Harris County alone.**
- As of March 1, 2011, there were 2,232 blue warrant parolees detained in Texas’ county jails who could have been released to make room for violent or higher-level violators.<sup>2</sup>
- According to the most recent data, technical parole violators comprise 14% of statewide parole revocations (1,045 out of 7,471 total revocations in 2009).<sup>3</sup>
- The effects of incarceration on families are significant:
  - Families destabilized by a parent in incarceration are more likely to experience a decline in household income and an increase in the likelihood of poverty.<sup>4</sup>
  - 23% of children with a parent who has been incarcerated have been expelled or suspended from school, compared with 4% of children with parents who have never been incarcerated.<sup>5</sup>
- Again, a blue warrant does not necessarily mean that the individual will be revoked from supervision. Each person with a blue warrant issued for their detention receives a hearing to determine whether or not the judge will revoke their parole. Proscribing bond for every single blue warrant is fundamentally unfair, and it undermines the success of Texas’ parole system.

*Continued on reverse.*

## **SOLUTION: SUPPORT H.B. 2735 BY REPRESENTATIVE MADDEN**

H.B. 2735 allows “blue warrant” parolees to post bond for release from county custody pending their revocation hearing. County magistrates have final authority as to whether the individual may post bond.

Under the bill, parolees may post bond *only if* the following apply:

- They committed an administrative violation of a condition of release.
- The magistrate determines that they are not a threat to public safety.
- They violated conditions of release by committing a new, bond-eligible offense that *is not*: a felony; various offenses punishable as a Class A or Class B misdemeanor, including intoxication and alcohol-related offenses, assaultive offenses, false imprisonment, indecent exposure, or sexual offenses; or any offense involving family violence.
- The Parole Division includes notice of their eligibility on the blue warrant (as required in this bill).

The Parole Division must include a notice that the individual is eligible for a bond if the following apply:

- The person is not a threat to public safety.
- The person has not been previously convicted of: robbery; any of the offenses listed above that are punishable as a felony (also including homicide, kidnapping, or trafficking of persons); or any offense involving family violence.
- The person is not on intensive supervision or super-intensive supervision.
- The person is not an absconder.

Ultimately, H.B. 2735 is critical because it will permit magistrates to allow certain parolees to bond out of detention prior to a revocation hearing, thus facilitating success in their rehabilitation and their ability to provide for themselves and their families.

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Thank you again for the opportunity to present testimony in favor of H.B. 2735. Releasing low-risk individuals on bail/bond prior to a revocation hearing will prevent community members from footing the bill while nonviolent individuals sit in jail awaiting a hearing by the Texas Board of Pardons and Paroles to determine whether the charges against them will result in their re-incarceration. It will also allow individuals the opportunity to remain with their family and continue with their employment, thereby increasing the stability and the overall success of their parole.

Please consider this information in your analysis, and support this initiative to promote fairness, efficiency, and cost-savings in the correctional system.

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<sup>1</sup> James Pinkerton, “Sheriff s say new parole law could free beds,” *Houston Chronicle*, December 13, 2010.

<sup>2</sup> Texas Commission on Jail Standards, “Texas County Jail Population,” March 1, 2011.

<sup>3</sup> Texas Board of Pardons and Paroles, “Annual Report FY 2009,” 2010, pgs. 30, 31.

<sup>4</sup> The Pew Center on the States, “Collateral Costs: Incarceration’s Effects on Economic Mobility.” September 23, 2010.

[http://www.pewcenteronthestates.org/uploadedFiles/Collateral\\_Costs.pdf?n=8653](http://www.pewcenteronthestates.org/uploadedFiles/Collateral_Costs.pdf?n=8653), 18.

<sup>5</sup> *Ibid.*