

1 AN ACT

2 relating to an educational and vocational training pilot program
3 for certain state jail felony defendants and certain inmates
4 released on parole; changing parole eligibility.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Articles 42A.562(a) and (f), Code of Criminal
7 Procedure, are amended to read as follows:

8 (a) Except as provided by Subsection (b), a judge assessing
9 punishment in a state jail felony case may suspend the imposition of
10 the sentence and place the defendant on community supervision with
11 the condition [~~conditions~~] that the defendant[+]

12 [~~(1) submit at the beginning of the term of community~~
13 ~~supervision to confinement in a state jail felony facility for a~~
14 ~~term not to exceed 90 days, and~~

15 [~~(2)~~] participate in a program operated under Section
16 493.034 [~~507.007~~], Government Code.

17 (f) A defendant placed on community supervision under this
18 article must participate fully in the program described by
19 Subsection (a) [~~(a)(2)~~]. The provisions of Subchapter P
20 authorizing the judge to revoke a defendant's community supervision
21 or otherwise sanction the defendant apply with respect to a
22 defendant who violates the requirement of this subsection.

23 SECTION 2. Subchapter C, Chapter 72, Government Code, is
24 amended by adding Section 72.036 to read as follows:

1 Sec. 72.036. TRAINING ON EDUCATIONAL AND VOCATIONAL
2 TRAINING PILOT PROGRAM. The office shall develop and annually
3 provide a training program to educate and inform judges on the
4 components of the pilot program established under Section 493.034.

5 SECTION 3. Section 507.007, Government Code, is transferred
6 to Chapter 493, Government Code, redesignated as Section 493.034,
7 Government Code, and amended to read as follows:

8 Sec. 493.034 [507.007]. EDUCATIONAL AND VOCATIONAL
9 TRAINING PILOT PROGRAM. (a) The department shall establish a pilot
10 program to provide educational and vocational training,
11 employment, and reentry services to:

12 (1) defendants placed on community supervision [~~and~~
13 ~~required to serve a term of confinement in a state jail felony~~
14 ~~facility~~] under Article 42A.562, Code of Criminal Procedure; and

15 (2) inmates released on parole who are required to
16 participate in the program as a condition of parole imposed under
17 Section 508.1455.

18 (b) The department, in consultation with interested
19 parties, shall determine the eligibility criteria for a defendant
20 or inmate to participate in the pilot program, including requiring
21 the defendant or inmate to arrange for suitable housing while
22 participating in the program.

23 (c) The department, in consultation with interested
24 parties, shall identify at least two and [~~determine~~] not more than
25 four sites [~~locations~~] in this state in which the pilot program will
26 operate. In identifying [~~determining~~] the sites [~~locations~~], the
27 department shall consider locating the program in various regions

1 throughout the state, including locations having a variety of
2 population sizes, provided that the department shall select sites
3 based on where the program will have the greatest likelihood of
4 success and regardless of geographic region or population size.

5 The department shall also give consideration to whether a risk and
6 needs assessment is generally conducted before sentencing
7 defendants in a particular location and to the degree to which local
8 judges show support for the establishment of the program in a
9 particular location.

10 (d) The department shall issue a request for proposals from
11 public or private entities to provide services through the pilot
12 program. The department shall select one or more qualified
13 applicants to provide services through the program to eligible
14 defendants and inmates.

15 (e) The pilot program consists of approximately 180 days of
16 employment-related services and support and must include:

17 (1) an initial period during which the defendant or
18 inmate will:

19 (A) receive training and education related to the
20 defendant's or inmate's vocational goals; and

21 (B) be employed by the provider;

22 (2) job placement services designed to provide
23 employment for the defendant or inmate after the period described
24 by Subdivision (1);

25 (3) assistance in obtaining a high school diploma or
26 industry certification for applicable defendants and inmates;

27 (4) life-skills training, including information about

1 budgeting and money management; and

2 (5) counseling and mental health services.

3 (f) The department shall limit the number of defendants and
4 inmates who may participate in the pilot program to not more than 45
5 individuals [~~defendants~~] per quarter per program location.

6 (g) The department shall pay providers not less than \$40 per
7 day for each participant.

8 SECTION 4. Subchapter E, Chapter 508, Government Code, is
9 amended by adding Section 508.1455 to read as follows:

10 Sec. 508.1455. EARLY RELEASE ON PAROLE FOR CERTAIN INMATES
11 REQUIRED TO PARTICIPATE IN EDUCATIONAL AND VOCATIONAL TRAINING
12 PILOT PROGRAM. (a) This section applies only to an inmate:

13 (1) who is serving a sentence for an offense under
14 Chapter 481, Health and Safety Code, that is punishable as a felony
15 of the third degree;

16 (2) who has not previously been convicted of a felony
17 under Title 5, Penal Code, or under Chapter 43 or 71 of that code;
18 and

19 (3) whose eligibility for parole is computed under
20 Section 508.145(f).

21 (b) Notwithstanding any other law, a parole panel may
22 release on parole an inmate described by Subsection (a)
23 approximately 180 days before the date the inmate would be eligible
24 for release on parole under Section 508.145(f).

25 (c) A parole panel releasing an inmate on parole under this
26 section shall require as a condition of release on parole that the
27 inmate participate in a program operated under Section 493.034, to

1 begin immediately following the inmate's release on parole.

2 (d) For purpose of consideration by a parole panel for early
3 release on parole under Subsection (b), the department shall
4 annually identify not fewer than 100 inmates described by
5 Subsection (a) who are suitable candidates for participation in a
6 program operated under Section 493.034. The board and the
7 department shall jointly adopt rules for identifying inmates under
8 this subsection. The rules must require the board or the department
9 to notify an inmate that the inmate is being considered for release
10 on parole under this section.

11 (e) The board shall adopt rules governing the release of an
12 inmate on parole under this section.

13 (f) An inmate who is considered for but not granted release
14 on parole under this section shall be considered for release on
15 parole on the date that the inmate otherwise would have been
16 considered for release on parole under this chapter.

17 SECTION 5. Article [42A.562](#)(d), Code of Criminal Procedure,
18 is repealed.

19 SECTION 6. The change in law made by this Act applies to any
20 inmate who is confined in a facility operated by or under contract
21 with the Texas Department of Criminal Justice on or after the
22 effective date of this Act, regardless of whether the offense for
23 which the inmate is confined occurred before, on, or after the
24 effective date of this Act.

25 SECTION 7. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 2352 was passed by the House on May 14, 2021, by the following vote: Yeas 142, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2352 on May 28, 2021, by the following vote: Yeas 144, Nays 3, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2352 was passed by the Senate, with amendments, on May 26, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor