

1-1 By: Parker, et al. (Senate Sponsor - Huffman) H.B. No. 2352
1-2 (In the Senate - Received from the House May 17, 2021;
1-3 May 18, 2021, read first time and referred to Committee on Criminal
1-4 Justice; May 24, 2021, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 24, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Whitmire</u>	X		
1-10	<u>Huffman</u>	X		
1-11	<u>Bettencourt</u>	X		
1-12	<u>Birdwell</u>	X		
1-13	<u>Hinojosa</u>	X		
1-14	<u>Miles</u>	X		
1-15	<u>Nichols</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 2352 By: Huffman

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to an educational and vocational training pilot program
1-20 for certain state jail felony defendants and certain inmates
1-21 released on parole; changing parole eligibility.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Articles 42A.562(a) and (f), Code of Criminal
1-24 Procedure, are amended to read as follows:

1-25 (a) Except as provided by Subsection (b), a judge assessing
1-26 punishment in a state jail felony case may suspend the imposition of
1-27 the sentence and place the defendant on community supervision with
1-28 the condition [conditions] that the defendant~~+~~

1-29 ~~[(1) submit at the beginning of the term of community~~
1-30 ~~supervision to confinement in a state jail felony facility for a~~
1-31 ~~term not to exceed 90 days; and~~

1-32 ~~[(2)]~~ participate in a program operated under Section
1-33 493.034 [507.007], Government Code.

1-34 (f) A defendant placed on community supervision under this
1-35 article must participate fully in the program described by
1-36 Subsection (a) ~~[(a)(2)]~~. The provisions of Subchapter P
1-37 authorizing the judge to revoke a defendant's community supervision
1-38 or otherwise sanction the defendant apply with respect to a
1-39 defendant who violates the requirement of this subsection.

1-40 SECTION 2. Subchapter C, Chapter 72, Government Code, is
1-41 amended by adding Section 72.036 to read as follows:

1-42 Sec. 72.036. TRAINING ON EDUCATIONAL AND VOCATIONAL
1-43 TRAINING PILOT PROGRAM. The office shall develop and annually
1-44 provide a training program to educate and inform judges on the
1-45 components of the pilot program established under Section 493.034.

1-46 SECTION 3. Section 507.007, Government Code, is transferred
1-47 to Chapter 493, Government Code, redesignated as Section 493.034,
1-48 Government Code, and amended to read as follows:

1-49 Sec. 493.034 [507.007]. EDUCATIONAL AND VOCATIONAL
1-50 TRAINING PILOT PROGRAM. (a) The department shall establish a pilot
1-51 program to provide educational and vocational training,
1-52 employment, and reentry services to:

1-53 (1) defendants placed on community supervision [and
1-54 required to serve a term of confinement in a state jail felony
1-55 facility] under Article 42A.562, Code of Criminal Procedure; and

1-56 (2) inmates released on parole who are required to
1-57 participate in the program as a condition of parole imposed under
1-58 Section 508.1455.

1-59 (b) The department, in consultation with interested
1-60 parties, shall determine the eligibility criteria for a defendant

2-1 or inmate to participate in the pilot program, including requiring
 2-2 the defendant or inmate to arrange for suitable housing while
 2-3 participating in the program.

2-4 (c) The department, in consultation with interested
 2-5 parties, shall identify at least two and ~~[determine]~~ not more than
 2-6 four sites ~~[locations]~~ in this state in which the pilot program will
 2-7 operate. In identifying ~~[determining]~~ the sites ~~[locations]~~, the
 2-8 department shall consider locating the program in various regions
 2-9 throughout the state, including locations having a variety of
 2-10 population sizes, provided that the department shall select sites
 2-11 based on where the program will have the greatest likelihood of
 2-12 success and regardless of geographic region or population size.
 2-13 The department shall also give consideration to whether a risk and
 2-14 needs assessment is generally conducted before sentencing
 2-15 defendants in a particular location and to the degree to which local
 2-16 judges show support for the establishment of the program in a
 2-17 particular location.

2-18 (d) The department shall issue a request for proposals from
 2-19 public or private entities to provide services through the pilot
 2-20 program. The department shall select one or more qualified
 2-21 applicants to provide services through the program to eligible
 2-22 defendants and inmates.

2-23 (e) The pilot program consists of approximately 180 days of
 2-24 employment-related services and support and must include:

2-25 (1) an initial period during which the defendant or
 2-26 inmate will:

2-27 (A) receive training and education related to the
 2-28 defendant's or inmate's vocational goals; and

2-29 (B) be employed by the provider;

2-30 (2) job placement services designed to provide
 2-31 employment for the defendant or inmate after the period described
 2-32 by Subdivision (1);

2-33 (3) assistance in obtaining a high school diploma or
 2-34 industry certification for applicable defendants and inmates;

2-35 (4) life-skills training, including information about
 2-36 budgeting and money management; and

2-37 (5) counseling and mental health services.

2-38 (f) The department shall limit the number of defendants and
 2-39 inmates who may participate in the pilot program to not more than 45
 2-40 individuals ~~[defendants]~~ per quarter per program location.

2-41 (g) The department shall pay providers not less than \$40 per
 2-42 day for each participant.

2-43 SECTION 4. Subchapter E, Chapter 508, Government Code, is
 2-44 amended by adding Section 508.1455 to read as follows:

2-45 Sec. 508.1455. EARLY RELEASE ON PAROLE FOR CERTAIN INMATES
 2-46 REQUIRED TO PARTICIPATE IN EDUCATIONAL AND VOCATIONAL TRAINING
 2-47 PILOT PROGRAM. (a) This section applies only to an inmate:

2-48 (1) who is serving a sentence for an offense under
 2-49 Chapter 481, Health and Safety Code, that is punishable as a felony
 2-50 of the third degree;

2-51 (2) who has not previously been convicted of a felony
 2-52 under Title 5, Penal Code, or under Chapter 43 or 71 of that code;
 2-53 and

2-54 (3) whose eligibility for parole is computed under
 2-55 Section 508.145(f).

2-56 (b) Notwithstanding any other law, a parole panel may
 2-57 release on parole an inmate described by Subsection (a)
 2-58 approximately 180 days before the date the inmate would be eligible
 2-59 for release on parole under Section 508.145(f).

2-60 (c) A parole panel releasing an inmate on parole under this
 2-61 section shall require as a condition of release on parole that the
 2-62 inmate participate in a program operated under Section 493.034, to
 2-63 begin immediately following the inmate's release on parole.

2-64 (d) For purpose of consideration by a parole panel for early
 2-65 release on parole under Subsection (b), the department shall
 2-66 annually identify not fewer than 100 inmates described by
 2-67 Subsection (a) who are suitable candidates for participation in a
 2-68 program operated under Section 493.034. The board and the
 2-69 department shall jointly adopt rules for identifying inmates under

3-1 this subsection. The rules must require the board or the department
3-2 to notify an inmate that the inmate is being considered for release
3-3 on parole under this section.

3-4 (e) The board shall adopt rules governing the release of an
3-5 inmate on parole under this section.

3-6 (f) An inmate who is considered for but not granted release
3-7 on parole under this section shall be considered for release on
3-8 parole on the date that the inmate otherwise would have been
3-9 considered for release on parole under this chapter.

3-10 SECTION 5. Article 42A.562(d), Code of Criminal Procedure,
3-11 is repealed.

3-12 SECTION 6. The change in law made by this Act applies to any
3-13 inmate who is confined in a facility operated by or under contract
3-14 with the Texas Department of Criminal Justice on or after the
3-15 effective date of this Act, regardless of whether the offense for
3-16 which the inmate is confined occurred before, on, or after the
3-17 effective date of this Act.

3-18 SECTION 7. The Texas Department of Criminal Justice is
3-19 required to implement a provision of this Act only if the
3-20 legislature appropriates money specifically for that purpose. If
3-21 the legislature does not appropriate money specifically for that
3-22 purpose, the department may, but is not required to, implement a
3-23 provision of this Act using other appropriations available for that
3-24 purpose.

3-25 SECTION 8. This Act takes effect September 1, 2021.

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