

BILL ANALYSIS

C.S.S.B. 921
By: Whitmire
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Probation, or “community supervision,” terms in Texas can be long. The maximum term of probation for a misdemeanor offender is five (5) years and the maximum term of probation for a felony offender is ten (10) years. Increased lengths of probation mean increased potential for probation revocation to incarceration in Texas prison. Many probation revocations in Texas are for technical violations, where the offender has not committed a new offense. The average length of incarceration for probation revocation is over four (4) years.

Adult probationers in Texas currently have an “early release date” which is two years or one-third of the full probation term, whichever is less. Currently, few probationers are released on this date.

The purpose of CSSB 921 is to release offenders from state supervision after they have successfully completed one-third of their probation term. In the best interests of society, the bill allows a judge to deny early release.

In March 2003, the Criminal Justice Policy Council calculated the positive fiscal impact of this policy to be over \$55 million in cost avoidance and basic supervision cost savings to the state for the 2004-2005 biennium, and over \$95 million for the 2006-2007 biennium.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSSB 921 allows early discharge for defendants originally placed on community supervision for a term of two years or longer. (Misdemeanants are unaffected by the bill; they will continue to fall under previous law to be considered for early discharge from community supervision.) The bill also allows early release for defendants convicted of an offense punishable as a state jail felony and clarifies the eligibility of a defendant under community supervision for early release in relation to the judges’ discretion.

CSSB 921 removes the option of release upon completion of two years under community supervision, leaving eligibility to occur after successfully serving at least one-third of the probationers term. The bill also creates a one-time supervision termination fee to be paid by the probationer to the CSCD in the amount of \$500.00.

Under CSSB 921, if the judge requires a defendant to remain under supervision, the judge shall enter a written statement in the records of the case specifying the grounds for the judge’s opinion that the best interest of society and the defendant will be served if the defendant remains under supervision.

The bill states the amount of per capita funding a department receives from the comptroller based on vouchers under Government Code §509.011(a)(1) may not be less than the department receives during the fiscal years of 2004 - 2005. CSCDs shall use the anniversary date of the community supervision judgement to determine eligibility for early release from probation.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by allowing the release of offenders from community supervision after they have successfully completed one-third of their probation term. The substitute also creates a one-time supervision termination fee to be paid by the probationer to the CSCD in the amount of \$500.00. This substitute allows a judge to deny early release and prohibits the amount of per capita funding received from the Comptroller of Public Accounts based on vouchers prepared and submitted to the comptroller by the division under Government Code §509.011(a)(1) from being less than the amount received from the comptroller under that subsection during fiscal years 2004 and 2005.