

By: Hodge

H.B. No. 1712

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the oversight of state programs supporting community
3 supervision.

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

5 SECTION 1. Section 491.001, Government Code, is amended to
6 read as follows:

7 Sec. 491.001. DEFINITIONS. (a) In this subtitle, except
8 for Chapter 511:

9 (1) "Board" means the Texas Board of Criminal Justice,
10 except as provided by Sections [~~Section~~] 508.001 and 509.001.

11 (2) [~~"Community justice assistance division" means~~
12 ~~the community justice assistance division of the department.~~

13 [~~(3)~~] "Department" means the Texas Department of
14 Criminal Justice, except in Chapter 509.

15 (3) [~~(4)~~] "Executive director" means the executive
16 director of the department.

17 (4) [~~(5)~~] "Institutional division" means the
18 institutional division of the department.

19 (5) [~~(6)~~] "Internal audit division" means the
20 internal audit division of the department.

21 (6) [~~(7)~~] "Pardons and paroles division" means the
22 pardons and paroles division of the department.

23 (7) [~~(8)~~] "State jail division" means the state jail
24 division of the department.

1 (b) A reference in this subtitle or other law to:

2 (1) "Board of Pardons and Paroles" means:

3 (A) the Board of Pardons and Paroles in any
4 statute relating to a subject under the board's jurisdiction as
5 provided by Chapter 508; or

6 (B) the pardons and paroles division in any
7 statute relating to a subject under the division's jurisdiction as
8 provided by Chapter 508.

9 (2) "Probation department" or "adult probation
10 department" means a community supervision and corrections
11 department established under Chapter 76 [~~Government Code~~].

12 (3) "Texas Adult Probation Commission" or "community
13 justice assistance division" means the Board of Community Justice
14 Assistance [~~community justice assistance division~~].

15 (4) "Texas Board of Corrections" means the board.

16 (5) "Texas Department of Corrections" means the
17 institutional division.

18 SECTION 2. Section 493.002(a), Government Code, is amended
19 to read as follows:

20 (a) The following divisions are within the department:

21 (1) [~~the community justice assistance division,~~

22 [~~2~~] the institutional division;

23 (2) [~~3~~] the pardons and paroles division;

24 (3) [~~4~~] the state jail division;

25 (4) [~~5~~] the internal audit division; and

26 (5) [~~6~~] the programs and services division.

27 SECTION 3. The heading to Chapter 509, Government Code, is

1 amended to read as follows:

2 CHAPTER 509. BOARD OF COMMUNITY JUSTICE

3 ASSISTANCE [~~DIVISION~~]

4 SECTION 4. Section 509.001, Government Code, is amended by
5 amending Subdivision (3) and adding Subdivision (5) to read as
6 follows:

7 (3) "Division" means the Board of Community Justice
8 Assistance [~~community justice assistance division~~].

9 (5) "Board" means the Board of Community Justice
10 Assistance.

11 SECTION 5. Chapter 509, Government Code, is amended by
12 adding Sections 509.0021-509.0026 to read as follows:

13 Sec. 509.0021. MEMBERSHIP. (a) The board consists of three
14 members of the general public appointed by the governor who are
15 experienced in the administration of community supervision and
16 corrections departments, law enforcement, and the rehabilitation
17 and reintegration of offenders into society after release from
18 confinement.

19 (b) A person is not eligible for appointment as a public
20 member if the person or the person's spouse:

21 (1) is certified as an officer by the board;

22 (2) is employed by or participates in the management
23 of a business entity or other organization regulated by the board or
24 receiving funds from the board;

25 (3) owns, or controls directly or indirectly, more
26 than a 10 percent interest in a business entity or other
27 organization receiving funds from the board; or

1 (4) uses or receives a substantial amount of tangible
2 goods, services, or funds from the board, other than compensation
3 or reimbursement authorized by law for board membership,
4 attendance, or expenses.

5 (c) A person who is required to register as a lobbyist under
6 Chapter 305 because of the person's activities for compensation in
7 or on behalf of a profession related to the operation of the board
8 may not serve as a member of the board or act as the general counsel
9 to the board.

10 (d) An appointment to the board shall be made without regard
11 to the race, color, disability, sex, religion, age, or national
12 origin of the appointee.

13 (e) It is a ground for removal from the board that a member:

14 (1) does not have at the time of appointment the
15 qualifications required by Subsection (b) for appointment to the
16 board;

17 (2) does not maintain during the member's service on
18 the board the qualifications required by Subsection (b) for
19 appointment to the board;

20 (3) violates a provision of Subsection (c);

21 (4) is unable to discharge the member's duties for a
22 substantial part of the term for which the member was appointed
23 because of illness or disability; or

24 (5) is absent from more than half of the regularly
25 scheduled board meetings that the member is eligible to attend
26 during each calendar year, except when the absence is excused by
27 majority vote of the board.

1 (f) The validity of an action of the board is not affected by
2 the fact that it was taken when a ground for removal of a member of
3 the board existed.

4 (g) If the executive director has knowledge that a potential
5 ground for removal exists, the executive director shall notify the
6 presiding officer of the board of the ground. The presiding officer
7 shall notify the governor that a potential ground for removal
8 exists.

9 Sec. 509.0022. TERMS OF OFFICE. (a) Members of the board
10 serve staggered six-year terms.

11 (b) If a vacancy occurs, the governor shall appoint a person
12 to fill the vacancy for the remainder of the term.

13 Sec. 509.0023. PRESIDING OFFICER. The members of the board
14 shall elect a presiding officer from among the members.

15 Sec. 509.0024. EXPENSES. A member of the board may not
16 receive compensation for services as a board member but is entitled
17 to reimbursement for travel expenses incurred by the member while
18 conducting the business of the board as provided by the General
19 Appropriations Act.

20 Sec. 509.0025. MEETINGS. The board shall hold regular
21 quarterly meetings each year on dates fixed by the board and may
22 hold special meetings as the board determines necessary. The board
23 shall make rules providing for the regulation of the board's
24 proceedings and for the holding of special meetings.

25 Sec. 509.0026. APPLICATION OF SUNSET ACT. The Board of
26 Community Justice Assistance is subject to Chapter 325 (Texas
27 Sunset Act). Unless continued in existence as provided by that

1 chapter, the board is abolished and this chapter expires September
2 1, 2015.

3 SECTION 6. Section 509.003(a), Government Code, is amended
4 to read as follows:

5 (a) The [~~division shall propose and the~~] board shall adopt
6 reasonable rules establishing:

7 (1) minimum standards for programs, community
8 corrections facilities and other facilities, equipment, and other
9 aspects of the operation of departments;

10 (2) a list and description of core services that
11 should be provided by each department;

12 (3) methods for measuring the success of community
13 supervision and corrections programs, including methods for
14 measuring rates of diversion, program completion, and recidivism;

15 (4) a format for community justice plans; [~~and~~]

16 (5) minimum standards for the operation of substance
17 abuse facilities and programs funded through the board; and

18 (6) standards for the operation of the board
19 [~~division~~].

20 SECTION 7. Section 76.001(5), Government Code, is amended
21 to read as follows:

22 (5) "Division" means the Board of Community Justice
23 Assistance [~~community justice assistance division of the Texas~~
24 ~~Department of Criminal Justice~~].

25 SECTION 8. Section 493.003, Government Code, is repealed.

26 SECTION 9. (a) The governor shall appoint the initial
27 members of the Board of Community Justice Assistance as soon as

1 practicable after the effective date of this Act.

2 (b) Of the initial members, the governor shall appoint one
3 to serve a term expiring February 1, 2005, one to serve a term
4 expiring February 1, 2007, and one to serve a term expiring February
5 1, 2009. On expiration of the initial terms, the term of a member is
6 six years, as provided by Section 509.0022, Government Code, as
7 added by this Act.

8 SECTION 10. (a) On September 1, 2003, the powers, duties,
9 and obligations of the Texas Board of Criminal Justice and the Texas
10 Department of Criminal Justice relating to community justice
11 assistance are transferred to the Board of Community Justice
12 Assistance.

13 (b) On September 1, 2003, all property and records in the
14 custody of the Texas Board of Criminal Justice and the Texas
15 Department of Criminal Justice and all funds appropriated by the
16 legislature for their use relating to community justice assistance
17 are transferred to the Board of Community Justice Assistance.

18 (c) On September 1, 2003, an employee of the Texas Board of
19 Criminal Justice whose duties relate to community justice
20 assistance or an employee of the community justice assistance
21 division of the Texas Department of Criminal Justice is an employee
22 of the Board of Community Justice Assistance, to be assigned at the
23 direction of the presiding officer of the Board of Community
24 Justice Assistance.

25 (d) A rule, form, or policy adopted by the Texas Board of
26 Criminal Justice or the Texas Department of Criminal Justice, on
27 abolition of the community justice assistance division, relating to

1 community justice assistance is a rule, form, or policy of the Board
2 of Community Justice Assistance.

3 SECTION 11. (a) On September 1, 2003, the powers, duties,
4 and obligations of the community justice assistance division of the
5 Texas Department of Criminal Justice and its officers are
6 transferred to the Board of Community Justice Assistance.

7 (b) On September 1, 2003, all property and records in the
8 custody of and all funds appropriated by the legislature for the use
9 of the community justice assistance division of the Texas
10 Department of Criminal Justice are transferred to the Board of
11 Community Justice Assistance.

12 (c) On the transfer of the property, records, and funds
13 under Subsection (b) of this section, the community justice
14 assistance division of the Texas Department of Criminal Justice is
15 abolished.

16 (d) A rule, form, or policy adopted by the community justice
17 assistance division of the Texas Department of Criminal Justice, on
18 abolition of the division, is a rule, form, or policy of the Board
19 of Community Justice Assistance.

20 (e) On or after September 1, 2003, a reference in the law to
21 the community justice assistance division of the Texas Department
22 of Criminal Justice means the Board of Community Justice
23 Assistance.

24 SECTION 12. This Act takes effect immediately if it
25 receives a vote of two-thirds of all the members elected to each
26 house, as provided by Section 39, Article III, Texas Constitution.
27 If this Act does not receive the vote necessary for immediate

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1 effect, this Act takes effect September 1, 2003.