

By: Ellis

H.B. No. 2523

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the oversight of state programs supporting community  
3 justice assistance and supporting probation services for juvenile  
4 and adult offenders.

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

6 SECTION 1. DEFINITION. In this Act, "commission" means the  
7 Texas Probation Commission.

8 SECTION 2. MEMBERSHIP. (a) The commission consists of six  
9 members of the general public appointed by the governor, three of  
10 whom are experienced in the administration of community  
11 supervision programs for adult offenders and three of whom are  
12 experienced in the administration of juvenile probation programs  
13 for youthful offenders.

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

16 (1) is certified as an officer by the commission;

17 (2) is employed by or participates in the management  
18 of a business entity or other organization regulated by the  
19 commission or receiving funds from the commission;

20 (3) owns, or controls directly or indirectly, more  
21 than a 10 percent interest in a business entity or other  
22 organization receiving funds from the commission; or

23 (4) uses or receives a substantial amount of tangible  
24 goods, services, or funds from the commission, other than

1 compensation or reimbursement authorized by law for commission  
2 membership, attendance, or expenses.

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

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

11 (e) It is a ground for removal from the commission that a  
12 member:

13 (1) does not have at the time of appointment the  
14 qualifications required by Subsection (a) for appointment to the  
15 commission;

16 (2) does not maintain during the member's service on  
17 the commission the qualifications required by Subsection (a) for  
18 appointment to the commission;

19 (3) violates a provision of Subsection (b);

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

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

27 (f) The validity of an action of the commission is not

1 affected by the fact that it was taken when a ground for removal of a  
2 member of the commission existed.

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

8 SECTION 3. TERMS OF OFFICE. (a) Members of the commission  
9 serve staggered six-year terms.

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

12 SECTION 4. PRESIDING OFFICER. The members of the  
13 commission shall elect a presiding officer from among the members.

14 SECTION 5. EXPENSES. A member of the commission may not  
15 receive compensation for services as a commission member but is  
16 entitled to reimbursement for travel expenses incurred by the  
17 member while conducting the business of the commission as provided  
18 by the General Appropriations Act.

19 SECTION 6. MEETINGS. The commission shall hold regular  
20 quarterly meetings each year on dates fixed by the commission and  
21 may hold special meetings as the commission determines necessary.  
22 The commission shall make rules providing for the regulation of the  
23 commission's proceedings and for the holding of special meetings.

24 SECTION 7. APPLICATION OF SUNSET ACT. The Texas Probation  
25 Commission is subject to Chapter 325 (Texas Sunset Act). Unless  
26 continued in existence as provided by that chapter, the commission  
27 is abolished and this chapter expires September 1, 2015.

1           SECTION 8. INITIAL APPOINTMENTS. (a) The governor shall  
2 appoint the initial members of the Texas Probation Commission as  
3 soon as practicable after the effective date of this Act.

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

9           SECTION 9. TRANSFERS: TEXAS BOARD OF CRIMINAL JUSTICE AND  
10 TEXAS DEPARTMENT OF CRIMINAL JUSTICE. (a) On September 1, 2003,  
11 the powers, duties, and obligations of the Texas Board of Criminal  
12 Justice and the Texas Department of Criminal Justice relating to  
13 community justice assistance and to community supervision are  
14 transferred to the Texas Probation Commission.

15           (b) On September 1, 2003, all property and records in the  
16 custody of the Texas Board of Criminal Justice and the Texas  
17 Department of Criminal Justice and all funds appropriated by the  
18 legislature for their use relating to community justice assistance  
19 and to community supervision are transferred to the Texas Probation  
20 Commission.

21           (c) On September 1, 2003, an employee of the Texas Board of  
22 Criminal Justice whose duties relate to community justice  
23 assistance or to community supervision or an employee of the  
24 community justice assistance division of the Texas Department of  
25 Criminal Justice is an employee of the Texas Probation Commission,  
26 to be assigned at the direction of the presiding officer of the  
27 Texas Probation Commission.

1 (d) A rule, form, or policy adopted by the Texas Board of  
2 Criminal Justice or the Texas Department of Criminal Justice, on  
3 abolition of the community justice assistance division, relating to  
4 community justice assistance or to community supervision is a rule,  
5 form, or policy of the Texas Probation Commission.

6 SECTION 10. TRANSFERS: COMMUNITY JUSTICE ASSISTANCE  
7 DIVISION. (a) On September 1, 2003, the powers, duties, and  
8 obligations of the community justice assistance division of the  
9 Texas Department of Criminal Justice and its officers are  
10 transferred to the Texas Probation Commission.

11 (b) On September 1, 2003, all property and records in the  
12 custody of and all funds appropriated by the legislature for the use  
13 of the community justice assistance division of the Texas  
14 Department of Criminal Justice are transferred to the Texas  
15 Probation Commission.

16 (c) On the transfer of the property, records, and funds  
17 under Subsection (b) of this section, the community justice  
18 assistance division of the Texas Department of Criminal Justice is  
19 abolished.

20 (d) A rule, form, or policy adopted by the community justice  
21 assistance division of the Texas Department of Criminal Justice, on  
22 abolition of the division, is a rule, form, or policy of the Texas  
23 Probation Commission.

24 (e) On or after September 1, 2003, a reference in the law to  
25 the community justice assistance division of the Texas Department  
26 of Criminal Justice means the Texas Probation Commission.

27 SECTION 11. TRANSFERS: JUVENILE PROBATION COMMISSION. (a)

1 On September 1, 2003, the powers, duties, and obligations of the  
2 Juvenile Probation Commission and its officers are transferred to  
3 the Texas Probation Commission.

4 (b) On September 1, 2003, an employee of the Juvenile  
5 Probation Commission is an employee of the Texas Probation  
6 Commission.

7 (c) 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 Juvenile Probation Commission are transferred to the Texas  
10 Probation Commission.

11 (d) On the transfer of the property, records, and funds  
12 under Subsection (c) of this section, the Juvenile Probation  
13 Commission is abolished.

14 (e) A rule, form, or policy adopted by the Juvenile  
15 Probation Commission, on abolition of the commission, is a rule,  
16 form, or policy of the Texas Probation Commission.

17 (f) On or after September 1, 2003, a reference in the law to  
18 the Juvenile Probation Commission means the Texas Probation  
19 Commission.

20 SECTION 12. EFFECTIVE DATE. This Act takes effect  
21 immediately if it receives a vote of two-thirds of all the members  
22 elected to each house, as provided by Section 39, Article III, Texas  
23 Constitution. If this Act does not receive the vote necessary for  
24 immediate effect, this Act takes effect September 1, 2003.