

BILL ANALYSIS

H.B. 2485
By: Goodman
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The goal of pre-trial diversion is to divert people out of the criminal justice system to alternative and less costly, but effective, methods of rehabilitation and deterrence. These programs include, but are not limited to, drug, alcohol, and mental health offenders. With a significant number of these individuals, there is overall progress but an occasional relapse. Often a proper response to a relapse is to return the offender to an earlier phase of the program. An essential feature of virtually all of these programs is a period of sustained compliance with program requirements. Although one year is the target goal for most of these programs, in a number of cases, it proves to be an arbitrary hurdle in the path to a successful resolution.

As proposed, H.B. 2485 gives pre-trial diversion programs the option to increase the length of the program from a period not to exceed one year to a period not to exceed two years. It also updates fee collection provisions to reflect current financial realities. The fee assessment is permissive and may be assessed in any amount up to the cap or not at all.

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

SECTION 1. Amends Section 76.011(a), Government Code, to authorize a person in a pretrial intervention program to be supervised for a period not to exceed two years, rather than one.

SECTION 2. Amends Article 102.012, Code of Criminal Procedure, as follows: Art. 102.012. FEES FOR PRETRIAL INTERVENTION PROGRAMS. (a) Creates this subsection from existing text. Authorizes a court to order the defendant to pay the court a supervision fee at a maximum of \$60 per month as a condition of participating in the program, if the court authorizes a defendant to participate in a pretrial intervention program established under Section 76.011, Government Code.

(b) Authorizes the court to order the defendant to pay or reimburse a community supervision and corrections department for any other expense incurred as a result of the defendant's participation in the pretrial intervention program or that is necessary to the defendant's successful completion of the program, in addition to or in lieu of the supervision fee authorized by Subsection (a). Deletes existing text prohibiting the fee from exceeding \$500 for supervision or programs provided by the department.

SECTION 3. Amends Section 103.021, Government Code, to require an accused or defendant, or a party to a civil suit, as applicable, to pay fees for a pretrial intervention program equal to \$60 a month plus expenses, rather than a fee not to exceed \$500.

SECTION 4. Effective date: September 1, 2005.

EFFECTIVE DATE

September 1, 2005.