

1-1 By: Madden, et al. (Senate Sponsor - Whitmire) H.B. No. 2193
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on Criminal
1-4 Justice; May 20, 2005, reported favorably by the following vote:
1-5 Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the operation of a system of community supervision.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 2(a), Article 42.03, Code of Criminal
1-11 Procedure, is amended to read as follows:

1-12 (a) In all criminal cases the judge of the court in which the
1-13 defendant was convicted shall give the defendant credit on the
1-14 defendant's [his] sentence for the time that the defendant has
1-15 spent in jail or in a court-ordered residential program or facility
1-16 in said cause~~[, other than confinement served as a condition of~~
1-17 ~~community supervision,~~ from the time of the defendant's [his]
1-18 arrest and confinement until the defendant's [his] sentence by the
1-19 trial court, including confinement in jail or in a court-ordered
1-20 residential program or facility ordered as a condition of deferred
1-21 adjudication community supervision.

1-22 SECTION 2. Section 3, Article 42.12, Code of Criminal
1-23 Procedure, is amended to read as follows:

1-24 Sec. 3. JUDGE ORDERED COMMUNITY SUPERVISION. (a) A judge,
1-25 in the best interest of justice, the public, and the defendant,
1-26 after conviction or a plea of guilty or nolo contendere, may suspend
1-27 the imposition of the sentence and place the defendant on community
1-28 supervision or impose a fine applicable to the offense and place the
1-29 defendant on community supervision.

1-30 (b) ~~In [Except as provided by Subsection (f), in]~~ a felony
1-31 case the minimum period of community supervision is the same as the
1-32 minimum term of imprisonment applicable to the offense and the
1-33 maximum period of community supervision is, subject to the
1-34 extensions provided by Section 22:

1-35 (1) 10 years, for a felony listed in Section 3g, a
1-36 felony for which on conviction registration as a sex offender is
1-37 required by Chapter 62, or any other first or second degree felony;
1-38 and

1-39 (2) 5 years, for a third degree felony other than a
1-40 third degree felony otherwise described by Subdivision (1).

1-41 (c) The maximum period of community supervision in a
1-42 misdemeanor case is two years, subject to extensions provided by
1-43 Section 22.

1-44 ~~(d) [A judge may increase the maximum period of community~~
1-45 ~~supervision in the manner provided by Section 22(c) or 22A of this~~
1-46 ~~article.~~

1-47 ~~[(e)]~~ A defendant is not eligible for community supervision
1-48 under this section if the defendant ~~[+~~

1-49 ~~[(1)]~~ is sentenced to a term of imprisonment that
1-50 exceeds 10 years ~~[, or~~

1-51 ~~[(2)]~~ is sentenced to serve a term of confinement under
1-52 ~~Section 12.35, Penal Code].~~

1-53 ~~(e) [(f)]~~ The minimum period of community supervision for a
1-54 ~~felony described by Section 13B(b) is five years and the maximum~~
1-55 ~~period of supervision is 10 years.~~

1-56 ~~[(g)]~~ A judge shall not deny community supervision to a
1-57 defendant based solely on the defendant's inability to speak, read,
1-58 write, hear, or understand English.

1-59 (f) This section applies to offenses listed in Section 3g
1-60 only to the extent that Subsection (b) establishes minimum and
1-61 maximum periods of community supervision for those offenses.

1-62 SECTION 3. Sections 4(b) and (d), Article 42.12, Code of
1-63 Criminal Procedure, are amended to read as follows:

1-64 (b) If the jury recommends to the judge that the judge place

2-1 the defendant on community supervision, the judge shall place the
 2-2 defendant on community supervision for any period permitted under
 2-3 Section 3(b) or 3(c) ~~[of this article]~~, as appropriate, subject to
 2-4 the extensions provided by Section 22.

2-5 (d) A defendant is not eligible for community supervision
 2-6 under this section if the defendant:

2-7 (1) is sentenced to a term of imprisonment that
 2-8 exceeds 10 years;

2-9 (2) is convicted of a state jail felony for which
 2-10 suspension of the sentence occurs automatically under Section 15(a)
 2-11 ~~[is sentenced to serve a term of confinement under Section 12.35,~~
 2-12 ~~Penal Code];~~

2-13 (3) does not file a sworn motion under Subsection (e)
 2-14 of this section or for whom the jury does not enter in the verdict a
 2-15 finding that the information contained in the motion is true; ~~[or]~~

2-16 (4) is adjudged guilty of an offense for which
 2-17 punishment is increased under Section 481.134(c), (d), (e), or (f),
 2-18 Health and Safety Code, if it is shown that the defendant has been
 2-19 previously convicted of an offense for which punishment was
 2-20 increased under any one of those subsections; or

2-21 (5) is adjudged guilty of an offense under Section
 2-22 19.02, Penal Code.

2-23 SECTION 4. Section 5(a), Article 42.12, Code of Criminal
 2-24 Procedure, is amended to read as follows:

2-25 (a) Except as provided by Subsection (d) of this section,
 2-26 when in the judge's opinion the best interest of society and the
 2-27 defendant will be served, the judge may, after receiving a plea of
 2-28 guilty or plea of nolo contendere, hearing the evidence, and
 2-29 finding that it substantiates the defendant's guilt, defer further
 2-30 proceedings without entering an adjudication of guilt, and place
 2-31 the defendant on community supervision. A judge may place on
 2-32 community supervision under this section a defendant charged with
 2-33 an offense under Section 21.11, 22.011, or 22.021, Penal Code,
 2-34 regardless of the age of the victim, or a defendant charged with a
 2-35 felony described by Section 13B(b) of this article, only if the
 2-36 judge makes a finding in open court that placing the defendant on
 2-37 community supervision is in the best interest of the victim. The
 2-38 failure of the judge to find that deferred adjudication is in the
 2-39 best interest of the victim is not grounds for the defendant to set
 2-40 aside the plea, deferred adjudication, or any subsequent conviction
 2-41 or sentence. After placing the defendant on community supervision
 2-42 under this section, the judge shall inform the defendant orally or
 2-43 in writing of the possible consequences under Subsection (b) of
 2-44 this section of a violation of community supervision. If the
 2-45 information is provided orally, the judge must record and maintain
 2-46 the judge's statement to the defendant. The failure of a judge to
 2-47 inform a defendant of possible consequences under Subsection (b) of
 2-48 this section is not a ground for reversal unless the defendant shows
 2-49 that he was harmed by the failure of the judge to provide the
 2-50 information. The minimum and maximum terms of a period of community
 2-51 supervision under this section are the same terms provided under
 2-52 Section 3(b), subject to the extensions provided by Section 22. [In
 2-53 ~~a felony case, the period of community supervision may not exceed 10~~
 2-54 ~~years. For a defendant charged with a felony under Section 21.11,~~
 2-55 ~~22.011, or 22.021, Penal Code, regardless of the age of the victim,~~
 2-56 ~~and for a defendant charged with a felony described by Section~~
 2-57 ~~13B(b) of this article, the period of community supervision may not~~
 2-58 ~~be less than five years.] In a misdemeanor case, the period of~~
 2-59 ~~community supervision may not exceed two years, subject to the~~
 2-60 ~~extensions provided by Section 22. [A judge may increase the~~
 2-61 ~~maximum period of community supervision in the manner provided by~~
 2-62 ~~Section 22(c) or 22A of this article.] The judge may impose a fine~~
 2-63 ~~applicable to the offense and require any reasonable conditions of~~
 2-64 ~~community supervision, including mental health treatment under~~
 2-65 ~~Section 11(d) of this article, that a judge could impose on a~~
 2-66 ~~defendant placed on community supervision for a conviction that was~~
 2-67 ~~probated and suspended, including confinement. The provisions of~~
 2-68 ~~Section 15 of this article specifying whether a defendant convicted~~
 2-69 ~~of a state jail felony is to be confined in a county jail or state~~

3-1 jail felony facility and establishing the minimum and maximum terms
 3-2 of confinement as a condition of community supervision apply in the
 3-3 same manner to a defendant placed on community supervision after
 3-4 pleading guilty or nolo contendere to a state jail felony. However,
 3-5 upon written motion of the defendant requesting final adjudication
 3-6 filed within 30 days after entering such plea and the deferment of
 3-7 adjudication, the judge shall proceed to final adjudication as in
 3-8 all other cases.

3-9 SECTION 5. Section 15(a)(1), Article 42.12, Code of
 3-10 Criminal Procedure, is amended to read as follows:

3-11 (1) On conviction of a state jail felony under Section
 3-12 481.115(b), 481.1151(b)(1), 481.116(b), 481.121(b)(3), or
 3-13 481.129(g)(1), Health and Safety Code, that is punished under
 3-14 Section 12.35(a), Penal Code, the judge shall suspend the
 3-15 imposition of the sentence and place the defendant on community
 3-16 supervision, unless the defendant has previously been convicted of
 3-17 a felony, other than a felony punished under Section 12.44(a),
 3-18 Penal Code, in which event the judge may suspend the imposition of
 3-19 the sentence and place the defendant on community supervision or
 3-20 may order the sentence to be executed. The provisions of this
 3-21 subdivision requiring the judge to suspend the imposition of the
 3-22 sentence and place the defendant on community supervision do not
 3-23 apply to a defendant who under Section 481.1151(b)(1), Health and
 3-24 Safety Code, possessed more than five abuse units of the controlled
 3-25 substance or under Section 481.121(b)(3), Health and Safety Code,
 3-26 possessed more than one pound of marihuana.

3-27 SECTION 6. Sections 15(h)(2) and (3), Article 42.12, Code
 3-28 of Criminal Procedure, are amended to read as follows:

3-29 (2) A judge may credit against any time a defendant is
 3-30 required to serve in a state jail felony facility time served by the
 3-31 defendant in a county jail or a court-ordered residential program
 3-32 or facility from the time of the defendant's arrest and confinement
 3-33 until sentencing by the trial court, including any time spent in
 3-34 custody waiting to enter a court-ordered residential program or
 3-35 facility, but only if the defendant successfully completes the
 3-36 court-ordered residential program after sentencing.

3-37 (3) A judge shall credit against any time a defendant
 3-38 is subsequently required to serve in a state jail felony facility
 3-39 after revocation of community supervision any time served by the
 3-40 defendant in a state jail felony facility or court-ordered
 3-41 residential program or facility after sentencing.

3-42 SECTION 7. Section 16(a), Article 42.12, Code of Criminal
 3-43 Procedure, is amended to read as follows:

3-44 (a) A judge may [~~shall~~] require as a condition of community
 3-45 supervision[~~7~~] that the defendant work a specified number of hours
 3-46 at a community service project or projects for an organization or
 3-47 organizations approved by the judge and designated by the
 3-48 department. The judge may not require that a defendant work at a
 3-49 community service project if[~~7~~, unless] the judge determines and
 3-50 notes on the order placing the defendant on community supervision
 3-51 that:

3-52 (1) the defendant is physically or mentally incapable
 3-53 of participating in the project;

3-54 (2) participating in the project will work a hardship
 3-55 on the defendant or the defendant's dependents;

3-56 (3) the defendant is to be confined in a substance
 3-57 abuse punishment facility as a condition of community supervision;
 3-58 or

3-59 (4) there is other good cause shown.

3-60 SECTION 8. Sections 20(a) and (b), Article 42.12, Code of
 3-61 Criminal Procedure, are amended to read as follows:

3-62 (a) At any time[~~7~~] after the defendant has satisfactorily
 3-63 completed one-third of the original community supervision period or
 3-64 two years of community supervision, whichever is less, the period
 3-65 of community supervision may be reduced or terminated by the judge.
 3-66 On completion of one-half of the original community supervision
 3-67 period, the judge shall review the defendant's record and consider
 3-68 whether to reduce or terminate the period of community supervision,
 3-69 unless the defendant is delinquent in paying required restitution,

4-1 fines, costs, or fees that the defendant has the ability to pay or
 4-2 the defendant has not completed court-ordered counseling or
 4-3 treatment. Before conducting the review, the judge shall notify
 4-4 the attorney representing the state and the defendant. If a
 4-5 defendant's community supervision record is not reviewed on
 4-6 completion of one-half of the original community supervision period
 4-7 because the defendant is delinquent in paying restitution, fines,
 4-8 costs, or fees or has not completed court-ordered counseling or
 4-9 treatment, not later than 12 months after the defendant has paid the
 4-10 restitution, fines, costs, or fees or completed the counseling or
 4-11 treatment the judge shall review the defendant's community
 4-12 supervision record and consider whether to terminate or reduce the
 4-13 period of community supervision. A judge may not refuse to
 4-14 terminate a period of community supervision solely on the ground
 4-15 that the defendant is indigent and unable to pay restitution,
 4-16 fines, costs, or fees. If the judge determines that the defendant
 4-17 has failed to satisfactorily fulfill the conditions of community
 4-18 supervision, the judge shall advise the defendant in writing of the
 4-19 requirements for satisfactorily fulfilling those conditions. Upon
 4-20 the satisfactory fulfillment of the conditions of community
 4-21 supervision, and the expiration of the period of community
 4-22 supervision, the judge, by order duly entered, shall amend or
 4-23 modify the original sentence imposed, if necessary, to conform to
 4-24 the community supervision period and shall discharge the defendant.
 4-25 If the judge discharges the defendant under this section, the judge
 4-26 may set aside the verdict or permit the defendant to withdraw the
 4-27 defendant's [his] plea, and shall dismiss the accusation,
 4-28 complaint, information or indictment against the defendant, who
 4-29 shall thereafter be released from all penalties and disabilities
 4-30 resulting from the offense or crime of which the defendant [he] has
 4-31 been convicted or to which the defendant [he] has pleaded guilty,
 4-32 except that:

4-33 (1) proof of the conviction or plea of guilty shall be
 4-34 made known to the judge should the defendant again be convicted of
 4-35 any criminal offense; and

4-36 (2) if the defendant is an applicant for a license or
 4-37 is a licensee under Chapter 42, Human Resources Code, the Texas
 4-38 Department of Human Services may consider the fact that the
 4-39 defendant previously has received community supervision under this
 4-40 article in issuing, renewing, denying, or revoking a license under
 4-41 that chapter.

4-42 (b) This section does not apply to a defendant convicted of
 4-43 an offense under Sections 49.04-49.08, Penal Code, a defendant
 4-44 convicted of an offense for which on conviction registration as a
 4-45 sex offender is required under Chapter 62, or a defendant convicted
 4-46 of a felony described by Section 3g[, as added by Chapter 668, Acts
 4-47 of the 75th Legislature, Regular Session, 1997, or a defendant
 4-48 convicted of an offense punishable as a state jail felony].

4-49 SECTION 9. Section 22(c), Article 42.12, Code of Criminal
 4-50 Procedure, is amended to read as follows:

4-51 (c) The judge may extend a period of community supervision
 4-52 on a showing of good cause under this section as often as the judge
 4-53 determines is necessary, but the period of community supervision in
 4-54 a first, second, or third degree felony case may not exceed 10 years
 4-55 and, except as otherwise provided by this subsection, the period of
 4-56 community supervision in a misdemeanor case may not exceed three
 4-57 years. The judge may extend the period of community supervision in
 4-58 a misdemeanor case for any period the judge determines is
 4-59 necessary, not to exceed an additional two years beyond the
 4-60 three-year limit, if the defendant fails to pay a previously
 4-61 assessed fine, costs, or restitution and the judge determines that
 4-62 extending the period of supervision increases the likelihood that
 4-63 the defendant will fully pay the fine, costs, or restitution. A
 4-64 court may extend a period of community supervision under this
 4-65 section at any time during the period of supervision or, if a motion
 4-66 for revocation of community supervision is filed before the period
 4-67 of supervision ends, before the first anniversary of the date on
 4-68 which the period of supervision expires.

4-69 SECTION 10. Section 23(b), Article 42.12, Code of Criminal

5-1 Procedure, is amended to read as follows:

5-2 (b) No part of the time that the defendant is on community
 5-3 supervision shall be considered as any part of the time that he
 5-4 shall be sentenced to serve, except that on revocation, the judge
 5-5 may credit to the defendant time served by the defendant as a
 5-6 condition of community supervision in a county jail, community
 5-7 corrections facility, or court-ordered residential program or
 5-8 facility, but only if the defendant successfully completes the
 5-9 court-ordered residential program after sentencing. The right of
 5-10 the defendant to appeal for a review of the conviction and
 5-11 punishment, as provided by law, shall be accorded the defendant at
 5-12 the time he is placed on community supervision. When he is notified
 5-13 that his community supervision is revoked for violation of the
 5-14 conditions of community supervision and he is called on to serve a
 5-15 sentence in a jail or in the institutional division of the Texas
 5-16 Department of Criminal Justice, he may appeal the revocation.

5-17 SECTION 11. Subchapter A, Chapter 102, Code of Criminal
 5-18 Procedure, is amended by adding Article 102.0178 to read as
 5-19 follows:

5-20 Art. 102.0178. COSTS ATTENDANT TO CERTAIN INTOXICATION AND
 5-21 DRUG CONVICTIONS. (a) In addition to other costs on conviction
 5-22 imposed by this chapter, a person shall pay \$50 as a court cost on
 5-23 conviction of an offense under:

5-24 (1) Chapter 49, Penal Code; or

5-25 (2) Chapter 481, Health and Safety Code.

5-26 (b) The court shall assess and make a reasonable effort to
 5-27 collect the cost due under this article whether or not any other
 5-28 court cost is assessed or collected.

5-29 (c) For purposes of this article, a person is considered to
 5-30 have been convicted if:

5-31 (1) a sentence is imposed;

5-32 (2) the defendant receives community supervision or
 5-33 deferred adjudication; or

5-34 (3) the court defers final disposition of the case.

5-35 (d) Court costs under this article are collected in the same
 5-36 manner as other fines or costs. An officer collecting the costs
 5-37 shall keep separate records of the funds collected as costs under
 5-38 this article and shall deposit the funds in the county or municipal
 5-39 treasury, as appropriate.

5-40 (e) The custodian of a county or municipal treasury shall:

5-41 (1) keep records of the amount of funds on deposit
 5-42 collected under this article; and

5-43 (2) send to the comptroller before the last day of the
 5-44 first month following each calendar quarter the funds collected
 5-45 under this article during the preceding quarter.

5-46 (f) A county or municipality may retain 10 percent of the
 5-47 funds collected under this article by an officer of the county or
 5-48 municipality as a collection fee if the custodian of the county or
 5-49 municipal treasury complies with Subsection (e).

5-50 (g) If no funds due as costs under this article are
 5-51 deposited in a county or municipal treasury in a calendar quarter,
 5-52 the custodian of the treasury shall file the report required for the
 5-53 quarter in the regular manner and must state that no funds were
 5-54 collected.

5-55 (h) The comptroller shall deposit the funds received under
 5-56 this article to the credit of the drug court account in the general
 5-57 revenue fund to help fund drug court programs established under
 5-58 Chapter 469, Health and Safety Code. The legislature shall
 5-59 appropriate money from the account solely to the criminal justice
 5-60 division of the governor's office for distribution to drug court
 5-61 programs that apply for the money.

5-62 (i) Funds collected under this article are subject to audit
 5-63 by the comptroller.

5-64 SECTION 12. Section 469.001, Health and Safety Code, is
 5-65 amended to read as follows:

5-66 Sec. 469.001. DRUG COURT PROGRAM DEFINED; PROCEDURES FOR
 5-67 CERTAIN DEFENDANTS. (a) In this chapter, "drug court program"
 5-68 means a program that has the following essential characteristics:

5-69 (1) the integration of alcohol and other drug

- 6-1 treatment services in the processing of cases in the judicial
 6-2 system;
- 6-3 (2) the use of a nonadversarial approach involving
 6-4 prosecutors and defense attorneys to promote public safety and to
 6-5 protect the due process rights of program participants;
- 6-6 (3) early identification and prompt placement of
 6-7 eligible participants in the program;
- 6-8 (4) access to a continuum of alcohol, drug, and other
 6-9 related treatment and rehabilitative services;
- 6-10 (5) monitoring of abstinence through weekly alcohol
 6-11 and other drug testing;
- 6-12 (6) a coordinated strategy to govern program responses
 6-13 to participants' compliance;
- 6-14 (7) ongoing judicial interaction with program
 6-15 participants;
- 6-16 (8) monitoring and evaluation of program goals and
 6-17 effectiveness;
- 6-18 (9) continuing interdisciplinary education to promote
 6-19 effective program planning, implementation, and operations; and
- 6-20 (10) development of partnerships with public agencies
 6-21 and community organizations.

6-22 (b) If a defendant enters a drug court program following an
 6-23 arrest for an offense punishable as a state jail felony under
 6-24 Chapter 481, the court, with the consent of the attorney
 6-25 representing the state, may defer the proceedings without accepting
 6-26 a plea of guilty or nolo contendere or entering an adjudication of
 6-27 guilt. If the defendant successfully completes the program, on
 6-28 motion of the attorney representing the state, the court may
 6-29 dismiss the indictment or information charging the defendant with
 6-30 the commission of the offense. If the defendant fails to
 6-31 successfully complete the program, the court may proceed as if the
 6-32 case had never been stayed.

6-33 (c) On ex parte petition or other request of a defendant,
 6-34 the court shall enter an order of nondisclosure under Section
 6-35 411.081, Government Code, as if the defendant had received a
 6-36 discharge and dismissal under Section 5(c), Article 42.12, Code of
 6-37 Criminal Procedure, with respect to all records and files related
 6-38 to the defendant's arrest for the offense for which the defendant
 6-39 entered the drug court program if the defendant:

- 6-40 (1) has not been previously convicted of a felony
 6-41 offense; and
- 6-42 (2) is not arrested or convicted for any other felony
 6-43 offense before the second anniversary of the defendant's successful
 6-44 completion of the drug court program.

6-45 SECTION 13. Section 469.002, Health and Safety Code, is
 6-46 amended to read as follows:

6-47 Sec. 469.002. AUTHORITY TO ESTABLISH PROGRAM. The [Except
 6-48 as provided by Section 469.006, the] commissioners court of a
 6-49 county may establish the following types of [a] drug court
 6-50 programs:

6-51 (1) drug courts for [program for] persons arrested
 6-52 for, charged with, or convicted of:

6-53 (A) [(1)] an offense in which an element of the
 6-54 offense is the use or possession of alcohol or the use, possession,
 6-55 or sale of a controlled substance, a controlled substance analogue,
 6-56 or marihuana; or

6-57 (B) [(2)] an offense in which the use of alcohol
 6-58 or a controlled substance is suspected to have significantly
 6-59 contributed to the commission of the offense and the offense did not
 6-60 involve:

6-61 (i) [(A)] carrying, possessing, or using a
 6-62 firearm or other dangerous weapon;

6-63 (ii) [(B)] the use of force against the
 6-64 person of another; or

6-65 (iii) [(C)] the death of or serious bodily
 6-66 injury to another;

6-67 (2) drug courts for juveniles detained for, taken into
 6-68 custody for, or adjudicated as having engaged in:

6-69 (A) delinquent conduct, including habitual

7-1 felony conduct, or conduct indicating a need for supervision in
 7-2 which an element of the conduct is the use or possession of alcohol
 7-3 or the use, possession, or sale of a controlled substance, a
 7-4 controlled substance analogue, or marihuana; or

7-5 (B) delinquent conduct, including habitual
 7-6 felony conduct, or conduct indicating a need for supervision in
 7-7 which the use of alcohol or a controlled substance is suspected to
 7-8 have significantly contributed to the commission of the conduct and
 7-9 the conduct did not involve:

7-10 (i) carrying, possessing, or using a
 7-11 firearm or other dangerous weapon;

7-12 (ii) the use of force against the person of
 7-13 another; or

7-14 (iii) the death of or serious bodily injury
 7-15 to another;

7-16 (3) reentry drug courts for persons with a
 7-17 demonstrated history of using alcohol or a controlled substance who
 7-18 may benefit from a program designed to facilitate the person's
 7-19 transition and reintegration into the community on release from a
 7-20 state or local correctional facility;

7-21 (4) family dependency drug treatment courts for family
 7-22 members involved in a suit affecting the parent-child relationship
 7-23 in which a parent's use of alcohol or a controlled substance is a
 7-24 primary consideration in the outcome of the suit; or

7-25 (5) programs for other persons not precisely described
 7-26 by Subdivisions (1)-(4) who may benefit from a program that has the
 7-27 essential characteristics described by Section 469.001.

7-28 SECTION 14. Section 469.003, Health and Safety Code, is
 7-29 amended by adding Subsection (c) to read as follows:

7-30 (c) A drug court program established under Section 469.002
 7-31 may:

7-32 (1) notify the criminal justice division of the
 7-33 governor's office before or on implementation of the program; and

7-34 (2) provide information regarding the performance of
 7-35 the program to the division on request.

7-36 SECTION 15. Section 469.004, Health and Safety Code, is
 7-37 amended to read as follows:

7-38 Sec. 469.004. FEES. (a) A drug court program established
 7-39 under Section 469.002 may collect from a participant in the
 7-40 program:

7-41 (1) a reasonable program fee not to exceed \$1,000[~~7~~
 7-42 ~~which may be paid on a periodic basis or on a deferred payment~~
 7-43 ~~schedule at the discretion of the judge, magistrate, or program~~
 7-44 ~~director administering the program]; and~~

7-45 (2) an alcohol or controlled substance [a urinalysis]
 7-46 testing, [and] counseling, and treatment fee[~~+~~

7-47 [~~(A) based on the participant's ability to pay;~~
 7-48 and

7-49 [~~(B)~~] in an amount necessary to cover the costs
 7-50 of the testing, [and] counseling, and treatment.

7-51 (b) Fees collected under this section may be paid on a
 7-52 periodic basis or on a deferred payment schedule at the discretion
 7-53 of the judge, magistrate, or program director administering the
 7-54 program. The fees must be:

7-55 (1) [A drug court program may require a participant to
 7-56 pay all treatment costs incurred while participating in the
 7-57 program,] based on the participant's ability to pay; and

7-58 (2) used only for purposes specific to the program.

7-59 SECTION 16. Section 469.006, Health and Safety Code, is
 7-60 amended to read as follows:

7-61 Sec. 469.006. PROGRAM IN CERTAIN COUNTIES MANDATORY. (a)
 7-62 The commissioners court of a county with a population of more than
 7-63 200,000 [550,000] shall establish a drug court program under
 7-64 Subdivision (1) of Section 469.002.

7-65 (b) [A drug court program required under this section to be
 7-66 established must have at least 100 participants during the first
 7-67 four months in which the program is operating.

7-68 [~~(c)~~] A county required under this section to establish a
 7-69 drug court program shall apply for [to the] federal and state

8-1 ~~[government for any]~~ funds available to pay the costs of the
 8-2 program. The criminal justice division of the governor's office
 8-3 may assist a county in applying for federal funds as required by
 8-4 this subsection~~[, including providing financial assistance to the~~
 8-5 ~~county]~~.

8-6 (c) Notwithstanding Subsection (a), a county is required to
 8-7 establish a drug program under this section only if the county
 8-8 receives federal or state funding specifically for that purpose.

8-9 (d) A county that does not establish a drug court program as
 8-10 required by this section and maintain the program is ineligible to
 8-11 receive from the state:

8-12 (1) funds for a community supervision and corrections
 8-13 department; and

8-14 (2) grants for substance abuse treatment programs
 8-15 administered by the criminal justice division of the governor's
 8-16 office.

8-17 SECTION 17. Section 76.002(a), Government Code, is amended
 8-18 to read as follows:

8-19 (a) The district judge or district judges trying criminal
 8-20 cases in each judicial district and the statutory county court
 8-21 judges trying criminal cases in the county or counties served by the
 8-22 judicial district shall:

8-23 (1) establish a community supervision and corrections
 8-24 department; and

8-25 (2) approve the department's budget and community
 8-26 justice plan ~~[employ district personnel as necessary to conduct~~
 8-27 ~~presentence investigations, supervise and rehabilitate defendants~~
 8-28 ~~placed on community supervision, enforce the conditions of~~
 8-29 ~~community supervision, and staff community corrections~~
 8-30 ~~facilities].~~

8-31 SECTION 18. Section 76.003(a), Government Code, is amended
 8-32 to read as follows:

8-33 (a) A community justice council must be established by the
 8-34 ~~[district judge or district]~~ judges described by Section 76.002 in
 8-35 each jurisdiction served by a department, unless a board or council
 8-36 that was in existence on September 1, 1991, is performing duties
 8-37 substantially similar to those imposed on a community justice
 8-38 council under this section. The council shall provide continuing
 8-39 policy guidance and direction for the development of community
 8-40 justice plans and community corrections facilities and programs.

8-41 SECTION 19. Section 76.004, Government Code, is amended to
 8-42 read as follows:

8-43 Sec. 76.004. DEPARTMENT DIRECTOR; FISCAL OFFICER. (a) The
 8-44 ~~[district judge or]~~ judges described by Section 76.002 shall
 8-45 appoint a department director who must meet, at a minimum, the
 8-46 eligibility requirements for officers established under Section
 8-47 76.005.

8-48 (a-1) The department director shall perform or delegate the
 8-49 responsibility for performing the following duties:

8-50 (1) overseeing the daily operations of the department;

8-51 (2) preparing annually or biennially a budget for the
 8-52 department;

8-53 (3) negotiating and entering into contracts on behalf
 8-54 of the department;

8-55 (4) establishing policies and procedures for all
 8-56 functions of the department;

8-57 (5) developing personnel policies and procedures,
 8-58 including disciplinary proceedings; and

8-59 (6) establishing procedures and practices through
 8-60 which the department will address an employment-related grievance.

8-61 (b) The department director shall employ a sufficient
 8-62 number of officers and other employees to conduct presentence
 8-63 investigations, supervise and rehabilitate defendants placed on
 8-64 community supervision, enforce the conditions of community
 8-65 supervision, and staff community corrections facilities. A person
 8-66 employed under this subsection is an employee of the department and
 8-67 not of the judges or judicial districts ~~[perform the professional~~
 8-68 ~~and clerical work of the department].~~

8-69 (c) The ~~[district judge or]~~ judges described by Section

9-1 76.002 may appoint for the department a fiscal officer, other than
 9-2 the county auditor. The fiscal officer is responsible for:

9-3 (1) managing and protecting funds, fees, state aid,
 9-4 and receipts to the same extent that a county auditor manages county
 9-5 funds and funds of other local entities;

9-6 (2) ensuring that financial transactions of the
 9-7 department are lawful and allowable; and

9-8 (3) prescribing accounting procedures for the
 9-9 department.

9-10 (d) The ~~[district judge or]~~ judges described by Section
 9-11 76.002 may appoint a person as fiscal officer only after
 9-12 investigating the person and determining that the person is:

9-13 (1) a person of unquestionably good moral character
 9-14 and intelligence; and

9-15 (2) a financial officer with at least two years'
 9-16 experience in auditing and accounting.

9-17 (e) A fiscal officer appointed under this section, before
 9-18 beginning employment and not later than the 20th day after the date
 9-19 of appointment, shall:

9-20 (1) take an oath stating that the person meets the
 9-21 qualifications required by this section and will not have a
 9-22 personal interest in any contract entered into by the department;
 9-23 and

9-24 (2) execute a good and sufficient surety bond that:

9-25 (A) is in the amount of \$5,000 or more;

9-26 (B) is approved by and payable to the ~~[district~~
 9-27 ~~judge or]~~ judges described by Section 76.002; and

9-28 (C) is conditioned on the faithful performance by
 9-29 the fiscal officer of the officer's duties.

9-30 (f) The ~~[district judge or]~~ judges described by Section
 9-31 76.002 shall set the annual compensation of a fiscal officer
 9-32 appointed under this section, and the department shall pay all
 9-33 costs related to the functions of the fiscal officer.

9-34 (g) Subsections (c)-(f) do not diminish the rights of the
 9-35 following officers or entities to examine and audit accounts,
 9-36 records, receipts, and expenditures of a department:

9-37 (1) the county auditor of a county served by the
 9-38 department;

9-39 (2) the comptroller; ~~and~~

9-40 (3) the state auditor; and

9-41 (4) the division.

9-42 SECTION 20. Chapter 76, Government Code, is amended by
 9-43 adding Section 76.0045 to read as follows:

9-44 Sec. 76.0045. JUDICIAL RESPONSIBILITIES; IMMUNITY. (a)
 9-45 The responsibility of a judge described by Section 76.002 for
 9-46 personnel decisions is limited to the appointment of a department
 9-47 director and a fiscal officer.

9-48 (b) The responsibility of a judge described by Section
 9-49 76.002 for budgetary decisions is limited to:

9-50 (1) appointment of a fiscal officer; and

9-51 (2) approval of the department's budget.

9-52 (c) A judge described by Section 76.002 has judicial
 9-53 immunity in a suit arising from:

9-54 (1) the performance of a duty described by Section
 9-55 76.002(a); or

9-56 (2) the appointment of a department director or a
 9-57 fiscal officer or an act or failure to act by a department employee
 9-58 or by a department director or fiscal officer.

9-59 SECTION 21. Section 76.0051, Government Code, is amended to
 9-60 read as follows:

9-61 Sec. 76.0051. AUTHORIZATION TO CARRY WEAPON. An officer is
 9-62 authorized to carry a weapon while engaged in the actual discharge
 9-63 of the officer's duties only if:

9-64 (1) the officer possesses a certificate of firearms
 9-65 proficiency issued by the Commission on Law Enforcement Officer
 9-66 Standards and Education under Section 1701.257, Occupations Code
 9-67 [415.038]; and

9-68 (2) the director of the department agrees ~~[and the~~
 9-69 ~~judges participating in the management of the department agree]~~ to

10-1 the authorization.

10-2 SECTION 22. Section 76.006, Government Code, is amended by
10-3 amending Subsections (a) and (h) and adding Subsection (j) to read
10-4 as follows:

10-5 (a) Except as provided by Subsection (c), department
10-6 employees are not state employees. The department shall contract
10-7 for all employee benefits with one county served by the department
10-8 and designated for that purpose by the ~~[district judge or]~~ judges
10-9 described by Section 76.002. To the extent that employee benefits
10-10 are provided by a county under this subsection, the employees are
10-11 governed by personnel policies and benefits equal to personnel
10-12 policies for and benefits of other employees of that county. This
10-13 subsection does not apply to employee benefits for group insurance
10-14 and related coverages provided to employees of a department through
10-15 the group benefits program for state employees under Chapter 1551,
10-16 Insurance Code.

10-17 (h) If under Subsection (a) the ~~[district judge or]~~ judges
10-18 described by Section 76.002 change the designation of the county
10-19 providing employee benefits, the ~~[district judge or]~~ judges may not
10-20 subsequently change that designation before the 10th anniversary of
10-21 the date on which the previous designation was made.

10-22 (j) The attorney general shall defend a statutory county
10-23 court judge in an action in state or federal court if:

10-24 (1) the cause of action is the result of the judge
10-25 performing a duty described by Section 76.002, 76.003, or 76.004;
10-26 and

10-27 (2) the judge requests the attorney general's
10-28 assistance in the defense.

10-29 SECTION 23. Section 76.009(a), Government Code, is amended
10-30 to read as follows:

10-31 (a) The ~~[district judge or]~~ judges described by Section
10-32 76.002 may expend district funds in order to provide expanded
10-33 facilities, equipment, and utilities if:

10-34 (1) the department needs to increase its personnel in
10-35 order to provide more effective services or to meet workload
10-36 requirements established under Chapter 509;

10-37 (2) the county or counties certify to the ~~[judge or]~~
10-38 judges described by Section 76.002 that they have neither adequate
10-39 space in county-owned buildings nor adequate funds to lease
10-40 additional physical facilities, purchase additional equipment, or
10-41 pay for additional utilities required by the department; and

10-42 (3) the county or counties provide facilities,
10-43 equipment, and utilities at or above the levels required by the
10-44 division.

10-45 SECTION 24. Section 76.010(c), Government Code, is amended
10-46 to read as follows:

10-47 (c) The department ~~[district judge or judges]~~ may authorize
10-48 expenditures of funds provided by the division to the department
10-49 for the purposes of providing facilities, equipment, and utilities
10-50 for community corrections facilities or state jail felony
10-51 facilities if:

10-52 (1) the community justice council recommends the
10-53 expenditures; and

10-54 (2) the division, or the state jail division in the
10-55 case of a state jail felony facility, provides funds for the purpose
10-56 of assisting in the establishment or improvement of the facilities.

10-57 SECTION 25. Section 102.021, Government Code, is amended to
10-58 read as follows:

10-59 Sec. 102.021. COURT COSTS ON CONVICTION. A person
10-60 convicted of an offense shall pay, in addition to all other costs:

10-61 (1) court costs on conviction of a felony (Sec.
10-62 133.102, Local Government Code) . . . \$133;

10-63 (2) court costs on conviction of a Class A or Class B
10-64 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;

10-65 (3) court costs on conviction of a nonjailable
10-66 misdemeanor offense, including a criminal violation of a municipal
10-67 ordinance, other than a conviction of an offense relating to a
10-68 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local
10-69 Government Code) . . . \$40;

- 11-1 (4) court costs on certain convictions in statutory
- 11-2 county courts (Sec. 51.702, Government Code) . . . \$15;
- 11-3 (5) court costs on certain convictions in certain
- 11-4 county courts (Sec. 51.703, Government Code) . . . \$15;
- 11-5 (6) a time payment fee if convicted of a felony or
- 11-6 misdemeanor for paying any part of a fine, court costs, or
- 11-7 restitution on or after the 31st day after the date on which a
- 11-8 judgment is entered assessing the fine, court costs, or restitution
- 11-9 (Sec. 133.103, Local Government Code) . . . \$25;
- 11-10 (7) a fee for services of prosecutor (Art. 102.008,
- 11-11 Code of Criminal Procedure) . . . \$25;
- 11-12 (8) fees for services of peace officer:
- 11-13 (A) issuing a written notice to appear in court
- 11-14 for certain violations (Art. 102.011, Code of Criminal Procedure)
- 11-15 . . . \$5;
- 11-16 (B) executing or processing an issued arrest
- 11-17 warrant or capias (Art. 102.011, Code of Criminal Procedure)
- 11-18 . . . \$50;
- 11-19 (C) summoning a witness (Art. 102.011, Code of
- 11-20 Criminal Procedure) . . . \$5;
- 11-21 (D) serving a writ not otherwise listed (Art.
- 11-22 102.011, Code of Criminal Procedure) . . . \$35;
- 11-23 (E) taking and approving a bond and, if
- 11-24 necessary, returning the bond to courthouse (Art. 102.011, Code of
- 11-25 Criminal Procedure) . . . \$10;
- 11-26 (F) commitment or release (Art. 102.011, Code of
- 11-27 Criminal Procedure) . . . \$5;
- 11-28 (G) summoning a jury (Art. 102.011, Code of
- 11-29 Criminal Procedure) . . . \$5;
- 11-30 (H) attendance of a prisoner in habeas corpus
- 11-31 case if prisoner has been remanded to custody or held to bail (Art.
- 11-32 102.011, Code of Criminal Procedure) . . . \$8 each day;
- 11-33 (I) mileage for certain services performed (Art.
- 11-34 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and
- 11-35 (J) services of a sheriff or constable who serves
- 11-36 process and attends examining trial in certain cases (Art. 102.011,
- 11-37 Code of Criminal Procedure) . . . not to exceed \$5;
- 11-38 (9) services of a peace officer in conveying a witness
- 11-39 outside the county (Art. 102.011, Code of Criminal Procedure)
- 11-40 . . . \$10 per day or part of a day, plus actual necessary travel
- 11-41 expenses;
- 11-42 (10) overtime of peace officer for time spent
- 11-43 testifying in the trial or traveling to or from testifying in the
- 11-44 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
- 11-45 (11) court costs on an offense relating to rules of the
- 11-46 road, when offense occurs within a school crossing zone (Art.
- 11-47 102.014, Code of Criminal Procedure) . . . \$25;
- 11-48 (12) court costs on an offense of passing a school bus
- 11-49 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- 11-50 (13) court costs on an offense of truancy or
- 11-51 contributing to truancy (Art. 102.014, Code of Criminal Procedure)
- 11-52 . . . \$20;
- 11-53 (14) cost for visual recording of intoxication arrest
- 11-54 before conviction (Art. 102.018, Code of Criminal Procedure)
- 11-55 . . . \$15;
- 11-56 (15) cost of certain evaluations (Art. 102.018, Code
- 11-57 of Criminal Procedure) . . . actual cost;
- 11-58 (16) additional costs attendant to certain
- 11-59 intoxication convictions under Chapter 49, Penal Code, for
- 11-60 emergency medical services, trauma facilities, and trauma care
- 11-61 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;
- 11-62 (17) cost for DNA testing for certain felonies (Art.
- 11-63 102.020, Code of Criminal Procedure) . . . \$250;
- 11-64 (18) court cost on an offense of public lewdness or
- 11-65 indecent exposure (Art. 102.020, Code of Criminal Procedure)
- 11-66 . . . \$50;
- 11-67 (19) court cost on conviction of a misdemeanor under
- 11-68 Subtitle C, Title 7, Transportation Code (Sec. 542.403,
- 11-69 Transportation Code) . . . \$3;

12-1 (20) cost for impoundment of vehicle (Sec. 601.263,
12-2 Transportation Code) . . . \$15 per day; ~~and~~

12-3 (21) a civil and criminal enforcement cost on
12-4 conviction of an offense of, or related to, the nonpayment of a toll
12-5 in certain counties (Sec. 284.2031, Transportation Code) . . . \$1;
12-6 and

12-7 (22) additional costs attendant to convictions under
12-8 Chapter 49, Penal Code, and under Chapter 481, Health and Safety
12-9 Code, to help fund drug court programs established under Chapter
12-10 469, Health and Safety Code (Art. 102.0178, Code of Criminal
12-11 Procedure) . . . \$50.

12-12 SECTION 26. Section 509.007, Government Code, is amended to
12-13 read as follows:

12-14 Sec. 509.007. COMMUNITY JUSTICE PLAN. (a) The division
12-15 shall require as a condition to payment of state aid to a department
12-16 or county under Section 509.011 ~~[and eligibility for payment of~~
12-17 ~~costs under Section 499.124]~~ that a community justice plan be
12-18 submitted for the department. The community justice council shall
12-19 submit the plan required by this subsection. A community justice
12-20 council may not submit a plan under this section unless the plan is
12-21 first approved under Section 76.002 ~~[by the district judges who~~
12-22 ~~manage the department served by the council]~~. The council shall
12-23 submit a revised plan to the division each odd-numbered year by a
12-24 date designated by the division. A plan may be amended at any time
12-25 with the approval of the division.

12-26 (b) A community justice plan required under this section
12-27 must include:

12-28 (1) a statement of goals and priorities and of
12-29 commitment by the community justice council, the ~~[district]~~ judges
12-30 who established the department and approve the department's budget
12-31 and community justice plan ~~[manage the department]~~, and the
12-32 department to achieve a targeted level of alternative sanctions;

12-33 (2) a description of methods for measuring the success
12-34 of programs provided by the department or provided by an entity
12-35 served by the department; and

12-36 (3) a proposal for the use of state jail felony
12-37 facilities and, at the discretion of the community justice council,
12-38 a regional proposal for the construction, operation, maintenance,
12-39 or management of a state jail felony facility by a county, a
12-40 community supervision and corrections department, or a private
12-41 vendor under a contract with a county or a community supervision and
12-42 corrections department.

12-43 SECTION 27. Chapter 509, Government Code, is amended by
12-44 adding Section 509.016 to read as follows:

12-45 Sec. 509.016. PRISON DIVERSION PILOT PROGRAM. (a) The
12-46 division shall establish a pilot program that provides grants to
12-47 selected departments for the implementation of a system of
12-48 progressive sanctions designed to reduce the revocation rate of
12-49 defendants placed on community supervision. The division shall
12-50 give priority in providing grants to departments serving counties
12-51 in which the revocation rate for defendants on community
12-52 supervision significantly exceeds the statewide average.

12-53 (b) In determining which departments are proper candidates
12-54 for grants under this section, the division shall give preference
12-55 to departments that present to the division a plan that will target
12-56 medium-risk and high-risk defendants and use progressive sanction
12-57 models that adhere to the components set forth in Section 469.001,
12-58 Health and Safety Code. As a condition to receiving a grant, a
12-59 department must offer a plan that contains some if not all of the
12-60 following components:

12-61 (1) reduced and specialized caseloads for supervision
12-62 officers, which may include electronic monitoring or substance
12-63 abuse testing of defendants;

12-64 (2) the creation, designation, and fiscal support of
12-65 courts and associated infrastructure necessary to increase
12-66 judicial oversight and reduce revocations;

12-67 (3) increased monitoring and field contact by
12-68 supervision officers;

12-69 (4) shortened terms of community supervision, with

13-1 increased supervision during the earliest part of the term;
 13-2 (5) graduated sanctions and incentives, offered to a
 13-3 defendant by both the departments and courts served by the
 13-4 department;

13-5 (6) the use of inpatient and outpatient treatment
 13-6 options, including substance abuse treatment, mental health
 13-7 treatment, and cognitive and behavioral programs for defendants;

13-8 (7) the use of intermediate sanctions facilities;

13-9 (8) the use of community corrections beds;

13-10 (9) early termination strategies and capabilities;

13-11 (10) gang intervention strategies; and

13-12 (11) risk assessment techniques and reassessment
 13-13 techniques.

13-14 (c) The division shall, not later than December 1, 2006,
 13-15 provide a report to the board. The report must state the number of
 13-16 departments receiving grants under this section, identify those
 13-17 departments by name, and describe for each department receiving a
 13-18 grant the components of the department's program and the success of
 13-19 the department in reducing revocations. The report must also
 13-20 contain an analysis of the scope, effectiveness, and cost benefit
 13-21 of programs funded by grants provided under this section and a
 13-22 comparison of those programs to similar programs in existence in
 13-23 various departments before March 1, 2005. The division may include
 13-24 in the report any other information the division determines will be
 13-25 beneficial to the board or the legislature. The board shall forward
 13-26 the report to the lieutenant governor and the speaker of the house
 13-27 of representatives not later than December 15, 2006.

13-28 SECTION 28. Section 132.002, Local Government Code, is
 13-29 amended by adding Subsection (f) to read as follows:

13-30 (f) The director of a community supervision and corrections
 13-31 department, with the approval of the judges described by Section
 13-32 76.002, Government Code, may authorize a community supervision
 13-33 official who collects fees, fines, court costs, and other charges
 13-34 to:

13-35 (1) accept payment by credit card of a fee, fine, court
 13-36 cost, or other charge; and

13-37 (2) collect a fee for processing the payment by credit
 13-38 card.

13-39 SECTION 29. The following provisions are repealed:

13-40 (1) Sections 4(c), 16(b), 18(c), and 22A, Article
 13-41 42.12, Code of Criminal Procedure; and

13-42 (2) Section 76.002(b), Government Code.

13-43 SECTION 30. (a) Except as otherwise provided by this
 13-44 subsection, the change in law made by this Act applies to a person
 13-45 who is on community supervision on or after the effective date of
 13-46 this Act, regardless of when the person was initially placed on
 13-47 community supervision. The change in law made by this Act changing
 13-48 the maximum period of community supervision applies only to a
 13-49 defendant initially placed on community supervision on or after the
 13-50 effective date of this Act.

13-51 (b) The change in law made by this Act in adding Article
 13-52 102.0178, Code of Criminal Procedure, and amending Section 102.021,
 13-53 Government Code, applies only to an offense committed on or after
 13-54 the effective date of this Act. An offense committed before the
 13-55 effective date of this Act is governed by the law in effect when the
 13-56 offense was committed, and the former law is continued in effect for
 13-57 that purpose. For purposes of this subsection, an offense was
 13-58 committed before the effective date of this Act if any element of
 13-59 the offense was committed before that date.

13-60 (c) The change in law made by this Act in amending Section
 13-61 469.001, Health and Safety Code, applies to a defendant who enters a
 13-62 drug court program under Chapter 469, Health and Safety Code,
 13-63 regardless of whether the defendant committed the offense for which
 13-64 the defendant enters the program before, on, or after the effective
 13-65 date of this Act.

13-66 (d) The commissioners court of a county required under
 13-67 Section 469.006, Health and Safety Code, as amended by this Act, to
 13-68 establish a drug court program shall establish the program not
 13-69 later than the later of:

14-1 (1) September 1, 2006; or
14-2 (2) the first anniversary of the initial date on which
14-3 the federal census indicates that the county's population exceeds
14-4 200,000.

14-5 (e) The change in law made by Section 76.0045, Government
14-6 Code, as added by this Act, applies only to an act or failure to act
14-7 by a judge, a community supervision or corrections department, or a
14-8 department director that occurs on or after the effective date of
14-9 this Act. An act or failure to act by a judge, a community
14-10 supervision and corrections department, or a department director
14-11 that occurs before the effective date of this Act is governed by the
14-12 law in effect on the date the act or failure to act occurred, and the
14-13 former law is continued in effect for that purpose.

14-14 (f) The community justice assistance division of the Texas
14-15 Department of Criminal Justice shall develop criteria and review
14-16 grant proposals, as required by Section 509.016, Government Code,
14-17 as added by this Act, as soon as possible after the effective date
14-18 of this Act, and shall begin making grants under that section not
14-19 later than September 30, 2005.

14-20 SECTION 31. This Act takes effect September 1, 2005.

14-21 * * * * *