

By: Allen of Dallas

H.B. No. 2838

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a prison diversion pilot program.

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

SECTION 1. Chapter 509, Government Code, is amended by adding Section 509.016 to read as follows:

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

(b) In determining which departments are proper candidates for grants under this section, the division shall give preference to departments that present to the division a plan that will target medium-risk and high-risk defendants and use progressive sanction models similar to those currently in use in departments serving Fort Bend and El Paso Counties and drug courts in Harris and Dallas Counties. As a condition to receiving a grant, a department must offer a plan that contains some if not all of the following components:

(1) reduced and specialized caseloads for supervision officers, which may include electronic monitoring or substance

1 abuse testing of defendants;

2 (2) the creation, designation, and fiscal support of  
3 courts and associated infrastructure necessary to increase  
4 judicial oversight and reduce revocations;

5 (3) increased monitoring and field contact by  
6 supervision officers;

7 (4) shortened terms of community supervision, with  
8 increased supervision during the earliest part of the term;

9 (5) graduated sanctions and incentives, offered to a  
10 defendant by both the departments and courts served by the  
11 department;

12 (6) the use of inpatient and outpatient treatment  
13 options, including substance abuse treatment, mental health  
14 treatment, and cognitive training for defendants;

15 (7) the use of intermediate sanctions facilities;

16 (8) the use of community corrections beds;

17 (9) early termination strategies and capabilities;

18 (10) gang intervention strategies; and

19 (11) risk assessment techniques and reassessment  
20 techniques.

21 (c) The division shall, not later than December 1, 2006,  
22 report to the board on the scope, effectiveness, and cost benefit of  
23 programs funded by grants provided under this section, and in the  
24 report shall also compare those programs to similar programs in  
25 existence in various departments before March 1, 2005. The board  
26 shall forward the report to the lieutenant governor and the speaker  
27 of the house of representatives not later than December 15, 2006.

1           SECTION 2. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2005.