

By: Uresti

H.B. No. 3233

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administration and operation of community
3 supervision and corrections departments.

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

5 SECTION 1. Section 76.002(a), Government Code, is amended
6 to read as follows:

7 (a) The district judge or district judges trying criminal
8 cases in each judicial district and the statutory county court
9 judge or judges trying criminal cases in the county or counties
10 served by the judicial district shall:

11 (1) establish a community supervision and corrections
12 department; and

13 (2) approve the department's budget and community
14 justice plan [~~employ district personnel as necessary to conduct~~
15 ~~presentence investigations, supervise and rehabilitate defendants~~
16 ~~placed on community supervision, enforce the conditions of~~
17 ~~community supervision, and staff community corrections~~
18 ~~facilities~~].

19 SECTION 2. Section 76.004, Government Code, is amended by
20 amending Subsections (a), (b), and (g) and adding Subsections (b-1)
21 and (c-1) to read as follows:

22 (a) The district judge or judges and the statutory county
23 court judge or judges described by Section 76.002(a) shall appoint
24 a department director who must meet, at a minimum, the eligibility

1 requirements for officers established under Section 76.005.

2 (b) The department director shall employ a sufficient
3 number of officers and other employees to conduct presentence
4 investigations, supervise and rehabilitate defendants placed on
5 community supervision, enforce the conditions of community
6 supervision, and staff community corrections facilities. A person
7 employed under this subsection is an employee of the department and
8 not of the judges or judicial districts [~~perform the professional~~
9 ~~and clerical work of the department~~].

10 (b-1) The department director shall perform or delegate the
11 responsibility for performing the following duties:

12 (1) overseeing the daily operations of the department;

13 (2) preparing an annual or biennial budget for the
14 department;

15 (3) negotiating and entering into contracts on behalf
16 of the department;

17 (4) establishing policies and procedures for all
18 functions of the department;

19 (5) developing personnel policies and procedures,
20 including disciplinary proceedings; and

21 (6) establishing procedures and practices through
22 which the department will address an employment-related grievance.

23 (c-1) In a department where a fiscal officer is not
24 appointed, the department director shall fulfill the fiscal
25 officer's responsibilities.

26 (g) Subsections (c)-(f) do not diminish the rights of the
27 following officers or entities to examine and audit accounts,

1 records, receipts, and expenditures of a department:

- 2 (1) the county auditor of a county served by the
3 department;
4 (2) the comptroller; ~~and~~
5 (3) the division; and
6 (4) the state auditor.

7 SECTION 3. Chapter 76, Government Code, is amended by
8 adding Section 76.0045 to read as follows:

9 Sec. 76.0045. JUDICIAL RESPONSIBILITIES; IMMUNITY. (a) The
10 responsibility of a district or statutory county court judge
11 described by Section 76.002(a) for personnel decisions is limited
12 to the appointment of a department director.

13 (b) The responsibility of a district or statutory county
14 court judge described by Section 76.002(a) for budgetary decisions
15 is limited to:

- 16 (1) appointment of a fiscal officer; and
17 (2) approval of the department's budget.

18 (c) A district or statutory county court judge described by
19 Section 76.002(a) has judicial immunity in a suit arising from:

- 20 (1) the performance of a duty described by Section
21 76.002(a); or
22 (2) the appointment of a department director or an act
23 or failure to act by a department director.

24 SECTION 4. Section 76.006, Government Code, is amended by
25 adding Subsection (j) to read as follows:

26 (j) The attorney general shall defend a statutory county
27 court judge in an action in state or federal court if:

1 (1) the cause of action is the result of the judge
2 performing a duty described by Section 76.002, 76.004, or 76.0045;

3 (2) the judge requests the attorney general's
4 assistance in the defense; and

5 (3) there is no action pending against the judge in
6 which the attorney general is required to represent the state or
7 another political subdivision.

8 SECTION 5. Section 76.002(b), Government Code, is repealed.

9 SECTION 6. The changes in law made by Sections 74.0045 and
10 76.006(j), Government Code, as added by this Act, apply only to a
11 cause of action that accrues on or after the effective date of this
12 Act. A cause of action that accrues before the effective date of
13 this Act is governed by the law in effect when the cause of action
14 accrued, and that law is continued in effect for that purpose.

15 SECTION 7. This Act takes effect September 1, 2005.