

By: West

S.B. No. 938

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 meet criteria developed by the division. The criteria must contain 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 and behavioral programs 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 provide a report to the board. The report must state the number of
23 departments receiving grants under this section, identify those
24 departments by name, and describe for each department receiving a
25 grant the components of the department's program and the success of
26 the department in reducing revocations. The report must also
27 contain an analysis of the scope, effectiveness, and cost benefit

1 of programs funded by grants provided under this section and a
2 comparison of those programs to similar programs in existence in
3 various departments before March 1, 2005. The division may include
4 in the report any other information the division determines will be
5 beneficial to the board or the legislature. The board shall forward
6 the report to the lieutenant governor and the speaker of the house
7 of representatives not later than December 15, 2006.

8 SECTION 2. The community justice assistance division of the
9 Texas Department of Criminal Justice shall develop criteria and
10 review grant proposals, as required by Section 509.016, Government
11 Code, as added by this Act, as soon as possible after the effective
12 date of this Act, and shall begin making grants under that section
13 not later than September 30, 2005.

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