

1-1 By: West S.B. No. 938
1-2 (In the Senate - Filed March 3, 2005; March 14, 2005, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 11, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 11, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 938 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of a prison diversion pilot program.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Chapter 509, Government Code, is amended by
1-13 adding Section 509.016 to read as follows:
1-14 Sec. 509.016. PRISON DIVERSION PILOT PROGRAM. (a) The
1-15 division shall establish a pilot program that provides grants to
1-16 selected departments for the implementation of a system of
1-17 progressive sanctions designed to reduce the revocation rate of
1-18 defendants placed on community supervision. The division shall
1-19 give priority in providing grants to departments serving counties
1-20 in which the revocation rate for defendants on community
1-21 supervision significantly exceeds the statewide average.
1-22 (b) In determining which departments are proper candidates
1-23 for grants under this section, the division shall give preference
1-24 to departments that present to the division a plan that will target
1-25 medium-risk and high-risk defendants and use progressive sanction
1-26 models similar to those currently in use in departments serving
1-27 Fort Bend and El Paso Counties and drug courts in Harris and Dallas
1-28 Counties. As a condition to receiving a grant, a department must
1-29 meet criteria developed by the division. The criteria must contain
1-30 some if not all of the following components:
1-31 (1) reduced and specialized caseloads for supervision
1-32 officers, which may include electronic monitoring or substance
1-33 abuse testing of defendants;
1-34 (2) the creation, designation, and fiscal support of
1-35 courts and associated infrastructure necessary to increase
1-36 judicial oversight and reduce revocations;
1-37 (3) increased monitoring and field contact by
1-38 supervision officers;
1-39 (4) shortened terms of community supervision, with
1-40 increased supervision during the earliest part of the term;
1-41 (5) graduated sanctions and incentives, offered to a
1-42 defendant by both the departments and courts served by the
1-43 department;
1-44 (6) the use of inpatient and outpatient treatment
1-45 options, including substance abuse treatment, mental health
1-46 treatment, and cognitive and behavioral programs for defendants;
1-47 (7) the use of intermediate sanctions facilities;
1-48 (8) the use of community corrections beds;
1-49 (9) early termination strategies and capabilities;
1-50 (10) gang intervention strategies; and
1-51 (11) risk assessment techniques and reassessment
1-52 techniques.
1-53 (c) The division shall, not later than December 1, 2006,
1-54 provide a report to the board. The report must state the number of
1-55 departments receiving grants under this section, identify those
1-56 departments by name, and describe for each department receiving a
1-57 grant the components of the department's program and the success of
1-58 the department in reducing revocations. The report must also
1-59 contain an analysis of the scope, effectiveness, and cost benefit
1-60 of programs funded by grants provided under this section and a
1-61 comparison of those programs to similar programs in existence in
1-62 various departments before March 1, 2005. The division may include
1-63 in the report any other information the division determines will be

2-1 beneficial to the board or the legislature. The board shall forward
2-2 the report to the lieutenant governor and the speaker of the house
2-3 of representatives not later than December 15, 2006.

2-4 SECTION 2. The community justice assistance division of the
2-5 Texas Department of Criminal Justice shall develop criteria and
2-6 review grant proposals, as required by Section 509.016, Government
2-7 Code, as added by this Act, as soon as possible after the effective
2-8 date of this Act, and shall begin making grants under that section
2-9 not later than September 30, 2005.

2-10 SECTION 3. This Act takes effect immediately if it receives
2-11 a vote of two-thirds of all the members elected to each house, as
2-12 provided by Section 39, Article III, Texas Constitution. If this
2-13 Act does not receive the vote necessary for immediate effect, this
2-14 Act takes effect September 1, 2005.

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