

## **BILL ANALYSIS**

Senate Research Center

S.B. 909  
By: Whitmire  
Government Organization  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Department of Criminal Justice (TDCJ) and the Correctional Managed Health Care Committee are subject to the Sunset Act and will be abolished unless continued by the legislature. The Board of Pardons and Paroles is not subject to abolishment, but is subject to a sunset review at the same time as TDCJ. As a result of its review of TDCJ, the Correctional Managed Health Care Committee, and the Board of Pardons and Paroles, the Sunset Advisory Commission recommended continuation of the agencies and several statutory modifications.

S.B. 909 provides for modifications, as recommended by the Sunset Advisory Commission, relating to information provided to policymakers regarding the criminal justice system, provisions for better parole decision making, increased consideration of early termination of parole and probation, and oversight and transparency relating to correctional healthcare.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of State Health Services, the Department of Aging and Disability Services, the Texas Department of Criminal Justice, the Department of Savings and Mortgage Lending, and the Texas Commission on Environmental Quality in SECTION 48 (Section 721.003, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 15.19(a), Code of Criminal Procedure, to require the magistrate committing an arrested person who has failed or refused to give bail to provide notice to the sheriff of the county in which the offense is alleged to have been committed regarding certain information, including whether the person was also arrested under a warrant issued under Section 508.251 (Issuance of Warrant or Summons), Government Code. Makes nonsubstantive changes.

SECTION 2. Amends Article 15.20, Code of Criminal Procedure, as follows:

Art. 15.20. DUTY OF SHERIFF RECEIVING NOTICE. (a) Requires the sheriff, subject to Subsection (b), receiving the notice of arrest and commitment under Article 15.19 (Notice of Arrest), to go or send for the arrested person and have the person brought before the proper court or magistrate. Makes nonsubstantive changes.

(b) Requires a sheriff who receives notice under Article 15.19(a)(2) or a warrant issued under Section 508.251 (Issuance of Warrant or Summons), Government Code, to have the arrested person brought before the proper magistrate or court before the 11th day after the date the person is committed to the jail of the county in which the person was arrested.

SECTION 3. Amends Article 15.21, Code of Criminal Procedure, to make conforming changes.

SECTION 4. Amends Section 8(a), Article 42.09, Code of Criminal Procedure, to require a county that transfers a defendant to the Texas Department of Criminal Justice (TDCJ) under this article (Commencement of Sentence; Status During Appeal; Pen Packet) to deliver to an officer designated by TDCJ, among other things, a copy of the defendant's Texas Uniform Health Status Update Form, if prepared.

SECTION 5. Amends Section 5(b), Article 42.12, Code of Criminal Procedure, as follows:

(b) Provides that the determination by the court of whether it proceeds with an adjudication of guilt on the original charge is reviewable in the same manner as a revocation hearing conducted under Section 21 of this article in a case in which an adjudication of guilt had not been deferred. Deletes existing text providing that no appeal may be taken from this determination.

SECTION 6. Amends Section 15(a)(1), Article 42.12, Code of Criminal Procedure, to require the judge, on conviction of a state jail felony under certain conditions, to suspend the imposition of the sentence and place the defendant on community supervision, unless the defendant has previously been convicted of a felony or unless the conviction resulted from an adjudication of the guilt of a defendant previously placed on deferred adjudication community supervision for the offense, in which event the judge may suspend the imposition of the sentence and place the defendant on community supervision or may order the sentence to be executed.

SECTION 7. Amends Section 15, Article 42.12, Code of Criminal Procedure, by adding Subsections (i), (j), and (k), as follows:

(i) Authorizes a judge sentencing a defendant convicted of a state jail felony to release the defendant to a medically suitable placement if the judge determines that the defendant does not constitute a threat to public safety and the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation and coordination with certain entities, undertakes certain actions.

(j) Requires the Texas Correctional Office on Offenders with Medical or Mental Impairments to submit a quarterly status report concerning a defendant's medical and treatment status to the judge who releases the defendant to an appropriate medical care facility under Subsection (i).

(k) Authorizes a judge to dispose of the matter as provided by Subsections (e) and (f)(1) if a defendant released to a medically suitable placement under Subsection (i) violates the terms of that release.

SECTION 8. Amends Section 16, Article 42.12, Code of Criminal Procedure, by adding Subsection (f), to authorize the judge, in lieu of requiring a defendant to work a specified number of hours at a community service project or projects under Subsection (a), to order a defendant to make a specified donation to a nonprofit food bank or food pantry in the community in which the defendant resides.

SECTION 9. Amends Section 19, Article 42.12, Code of Criminal Procedure, by amending Subsections (a) and (b) and adding Subsection (g), as follows:

(a) Requires a judge granting community supervision, except as otherwise provided by this subsection, to fix a fee of not less than \$25 and not more than \$60 per month to be paid during the period of community supervision by the defendant to the court of original jurisdiction or, in the case of an intrastate transfer described by Section 10(b) of this article, to the court to which jurisdiction of the defendant's case is transferred.

(b) Makes a nonsubstantive change.

(g) Requires a court to which jurisdiction of a defendant's case is transferred under Section 10(b) of this article to enter an order directing the defendant to pay the monthly fee described by Subsection (a) of this section to that court in lieu of paying the monthly fee to the court of original jurisdiction. Provides that to the extent of any conflict between an order issued under this subsection and an order issued by a court of original jurisdiction, the order entered under this subsection prevails.

SECTION 10. Amends Article 61.06(c), Code of Criminal Procedure, to provide that, in determining whether information is required to be removed from an intelligence database under Subsection (b), the three-year period does not include any period during which the individual who is the subject of the information is confined in a correctional facility operated by or under

contract with TDCJ, rather than confined in the institutional division or the state jail division of TDCJ, or confined in a county jail in lieu of being confined in a correctional facility operated by or under contract with TDCJ.

SECTION 11. Amends Section 76.004, Government Code, by amending Subsection (a) and adding Subsection (h), as follows:

(a) Requires the judges described by Section 76.002, after complying with the requirements of Subsection (h), to appoint a department director who must meet, at a minimum, the eligibility requirements for officers established under Section 76.005.

(h) Requires the judges described by Section 76.002, when there is a vacancy in the position of department director, to publicly advertise the position, post a job description, the qualifications for the position, and the application requirements, conduct a competitive hiring process and adhere to state and federal equal employment opportunity laws, and review applicants who meet the posted qualifications and comply with the application requirements.

SECTION 12. Amends the heading to Subtitle C, Title 3, Government Code, to read as follows:

#### SUBTITLE C. LEGISLATIVE AGENCIES AND OVERSIGHT COMMITTEES

SECTION 13. Amends Subtitle C, Title 3, Government Code, by adding Chapter 328, as follows:

#### CHAPTER 328. CRIMINAL JUSTICE LEGISLATIVE OVERSIGHT COMMITTEE

Sec. 328.001. DEFINITION. Defines "committee."

Sec. 328.002. ESTABLISHMENT; COMPOSITION. (a) Establishes the Criminal Justice Legislative Oversight Committee (committee) to provide objective research, analysis, and recommendations to help guide state criminal justice policies.

(b) Sets forth the composition of the six-member committee.

(c) Requires the lieutenant governor or the speaker of the house of representatives, as applicable, to give first consideration to members of the senate or the house of representatives who are members of the Senate Finance Committee or the House Appropriations Committee in making appointments under Subsection (b)(3) or (4).

(d) Provides that an appointed member of the committee serves at the pleasure of the appointing official.

Sec. 328.003. PRESIDING OFFICER; TERM. (a) Requires the lieutenant governor and the speaker of the house of representatives to appoint the presiding officer of the committee on an alternating basis.

(b) Provides that the presiding officer of the committee serves a two-year term that expires February 1 of each odd-numbered year.

Sec. 328.004. POWERS AND DUTIES. (a) Requires the committee to perform certain tasks.

(b) Provides that the committee has all other powers and duties provided to a special committee by certain statutes, rules, and policies.

Sec. 328.005. MEETINGS. Requires the committee to meet at the call of the presiding officer.

Sec. 328.006. STAFF; AUTHORITY TO CONTRACT. Authorizes the committee to hire staff or to contract with universities or other suitable entities to assist the committee in carrying out the committee's duties. Requires funding to support the operation of the committee to be provided from funds appropriated to the Texas Legislative Council.

Sec. 328.007. REPORT. Requires the committee to submit a report to the legislature that contains the recommendations described by Section 328.004(a)(2) not later than January 1 of each odd-numbered year.

SECTION 14. Amends Section 492.012, Government Code, as follows:

Sec. 492.012. SUNSET PROVISION. Provides that the Texas Board of Criminal Justice (board) and the Texas Department of Criminal Justice (TDCJ), unless continued in existence as provided by Chapter 325 (Sunset Act), Government Code, are abolished on September 1, 2011, rather than September 1, 2007.

SECTION 15. Amends Chapter 492, Government Code, by adding Sections 492.0125, 492.015, and 492.016, as follows:

Sec. 492.0125. COMPLIANCE WITH SUNSET RECOMMENDATIONS. Requires TDCJ to comply with and implement the management action recommendations regarding TDCJ adopted by the Sunset Advisory Commission on January 10, 2007, as a result of its review of TDCJ, and report to the Sunset Advisory Commission the information the Sunset Advisory Commission requires regarding TDCJ's implementation of the recommendations not later than November 1, 2008. Provides that this section expires June 1, 2009.

Sec. 492.015. USE OF TECHNOLOGY. Requires the board to implement a policy requiring TDCJ to use appropriate technological solutions to improve the TDCJ's ability to perform its functions. Requires the policy to ensure that the public is able to interact with TDCJ on the Internet.

Sec. 492.016. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE RESOLUTION. (a) Requires the board to develop and implement a policy to encourage the use of certain procedures.

(b) Requires TDCJ's procedures relating to alternative dispute resolution to conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) Requires the board to designate a trained person to perform certain tasks.

SECTION 16. Amends Chapter 493, Government Code, by adding Section 493.0151, as follows:

Sec. 493.0151. DYNAMIC RISK ASSESSMENT OF SEX OFFENDERS. (a) Defines "sexual offense."

(b) Requires TDCJ to use the dynamic risk assessment tool developed by the Council on Sex Offender Treatment under Section 110.164, Occupations Code, to assign the inmate a risk level of low, medium, or high, before an inmate who is serving a sentence for a sexual offense is discharged or is released on parole or mandatory supervision from TDCJ.

(c) Requires TDCJ to conduct the risk assessment required by this section in addition to any other risk assessment TDCJ is required to conduct.

SECTION 17. Amends Chapter 493, Government Code, by adding Section 493.026, as follows:

Sec. 493.026. CERTAIN INTERAGENCY COMMUNICATIONS PROHIBITED. Prohibits TDCJ, regardless of available capacity in the program, from prohibiting a parole panel from, or requesting a parole panel to refrain from, requiring an inmate to participate in and complete a treatment program operated by TDCJ before the inmate is released on parole.

SECTION 18. Amends Chapter 493, Government Code, by adding Section 493.027, as follows:

Sec. 493.027. MANAGEMENT-EMPLOYEE MEETINGS. (a) Authorizes the director of TDCJ to meet regularly with representatives of an eligible state employee organization, as certified by the comptroller under Section 403.0165, that represents TDCJ employees in disciplinary or grievance matters to identify certain policies, practices, or issues.

(b) Requires the director annually to submit a report to the Criminal Justice Legislative Oversight Committee on the outcome of any meetings held under this section. Requires the report to include certain information.

SECTION 19. Amends Section 494.008, Government Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Authorizes TDCJ to allow employees who are granted law enforcement authority under this section to assist municipal, county, state, or federal law enforcement officers, rather than peace officers in any county of the state, under certain conditions.

(b-1) Creates this subsection from existing text. Makes a conforming change.

SECTION 20. Amends Subchapter B, Chapter 495, Government Code, by adding Sections 495.025 and 495.026, as follows:

Sec. 495.025. CERTAIN COMMISSARY CONTRACTS; TASTE TESTS. (a) Authorizes TDCJ, for the purposes of purchasing commissary food goods, to conduct a taste test as a consideration for a bid award only if, to conduct the test, TDCJ contracts with a private marketing vendor, a university, or another independent organization that is experienced in food product evaluation and taste tests.

(b) Authorizes TDCJ to use the taste test results as not more than 30 percent of the criteria used for the bid award.

(c) Requires a contract into which TDCJ enters under Subsection (a) to require the vendor, university, or other organization, at the expense of the vendor, university, or organization, to annually re-conduct the taste test to ensure that the product meets the original specifications of the request for proposal that resulted in TDCJ entering a contract for the tested product.

Sec. 495.026. PRODUCT BUNDLING, BULK PURCHASING, AND VENDOR DISCOUNTS. Authorizes TDCJ to provide for the practice of bundling products into categories to ensure savings through bulk purchasing, discounts for advance invoice payments, and online ordering.

SECTION 21. Amends Sections 497.006(b) and (c), Government Code, as follows:

(b) Increases the maximum number of work program participants who are authorized to participate in programs under contracts entered into under this subsection from 500 to 700.

(c) Requires a contract for the provision of services under this section to be certified and approved by certain authorities.

SECTION 22. Amends Subchapter D, Chapter 499, Government Code, by adding Section 499.072, as follows:

Sec. 499.072. LOCATION OF CENTRAL PRISON UNIT. (a) Requires TDCJ to conduct a feasibility study of relocating the Central Prison Unit and the adjoining prison housing units from their current location in Sugar Land, Texas, to a location that more appropriately addresses the needs of the correctional system.

(b) Requires TDCJ to examine the costs and benefits of relocating the Central Prison Unit and the adjoining prison housing units, appropriate measures to ensure that adequate easements are granted to allow development of surrounding property, and an anticipated timeline for the relocation if the relocation is determined to be in the best interest of the correctional system and the City of Sugar Land, during the course of the study.

SECTION 23. Amends Subchapter A, Chapter 501, Government Code, by adding Section 501.011, as follows:

Sec. 501.011. ZERO-TOLERANCE POLICY. (a) Requires TDCJ to adopt a zero-tolerance policy concerning the detection, prevention, and punishment of the sexual abuse, including consensual sexual contact, of inmates in the custody of TDCJ.

(b) Requires TDCJ to establish standards for reporting and collecting data on the sexual abuse of inmates in the custody of TDCJ.

(c) Requires TDCJ to establish a procedure for inmates in the custody of TDCJ and TDCJ employees to report incidents of sexual abuse involving an inmate in the custody of TDCJ. Requires the procedure to designate a person employed at the TDCJ facility in which the abuse is alleged to have occurred as well as a person who is employed at TDCJ headquarters to whom a person may report an incident of sexual abuse.

(d) Requires TDCJ to prominently display a specific notice in the office of the chief administrator of each TDCJ facility, the employees' break room of each TDCJ facility, the cafeteria of each TDCJ facility, and at least six additional locations in each TDCJ facility.

SECTION 24. Amends Subchapter B, Chapter 501, Government Code, by adding Sections 501.059 and 501.064, as follows:

Sec. 501.059. SCREENING FOR AND EDUCATION CONCERNING FETAL ALCOHOL EXPOSURE DURING PREGNANCY. (a) Requires TDCJ to establish a screening program to identify female inmates who are between the ages of 18 and 44, sentenced to a term of confinement not to exceed two years, and at risk for having a pregnancy with alcohol-related complications, including giving birth to a child with alcohol-related birth defects.

(b) Requires the screening program established under Subsection (a) to meet certain conditions.

(c) Requires TDCJ to provide a brief substance abuse intervention to all female inmates identified by the screening program as being at risk for having a pregnancy with alcohol-related complications and an educational brochure describing the risks and dangers of consuming alcohol during pregnancy to all female inmates.

Sec. 501.064. AVAILABILITY OF CORRECTIONAL HEALTH CARE INFORMATION TO INMATES. Requires TDCJ to ensure that certain information is available to any inmate confined in a facility operated by or under contract with TDCJ.

SECTION 25. Amends Section 501.132, Government Code, as follows:

Sec. 501.132. APPLICATION OF SUNSET ACT. Provides that the Correctional Managed Health Care Committee (CMHCC) is subject to review under Chapter 325 (Texas Sunset Act) regarding CMHCC's role and responsibilities. Requires CMHCC to be reviewed during the period in which the TDCJ is reviewed. Deletes existing text providing that CMHCC is abolished and this subchapter expires September 1, 2007, unless continued in existence as provided by that chapter.

SECTION 26. Amends Subchapter E, Chapter 501, Government Code, by adding Section 501.1325, as follows:

Sec. 501.1325. COMPLIANCE WITH SUNSET RECOMMENDATIONS. Requires CMHCC, The University of Texas Medical Branch at Galveston, and the Texas Tech University Health Sciences Center to comply with and implement the management action recommendations regarding those entities adopted by the Sunset Advisory Commission on January 10, 2007, as a result of its review of those entities, and report to the Sunset Advisory Commission not later than November 1, 2008, the information the Sunset Advisory Commission requires regarding the implementation of the recommendations. Provides that this section expires June 1, 2009.

SECTION 27. Amends Section 501.137, Government Code, to require the governor to designate a public member of CMHCC, rather than a physician member, who is licensed to practice medicine in this state as presiding officer.

SECTION 28. Amends Section 501.148(a), Government Code, to set forth amended requirements of CMHCC relating to correctional healthcare.

SECTION 29. Amends Section 501.150, Government Code, as follows:

Sec. 501.150. QUALITY OF CARE MONITORING BY TDCJ AND HEALTH CARE PROVIDERS. (a) Requires TDCJ to monitor the quality of care delivered by the health care providers, including investigating medical grievances, ensuring access to medical care, and conducting periodic operational reviews of medical care provided at its units under the procedure. Deletes existing text limiting TDCJ's monitoring activities.

(b) Authorizes TDCJ to require the health care providers to take corrective action if the care provided does not meet expectations as determined by quality of care monitoring.

(c) Requires TDCJ and the medical care providers to communicate the results of their monitoring activities, including a list of and the status of any corrective actions required of the health care providers, to CMHCC and the board.

SECTION 30. Amends Sections 501.151(a) and (b), Government Code, as follows:

(a) Requires CMHCC to maintain a file on each written complaint filed with CMHCC by a member of the general public.

(b) Requires CMHCC to make information available describing its procedures for complaint investigation and resolution. Deletes existing text to make a nonsubstantive change.

SECTION 31. Amends Subchapter E, Chapter 501, Government Code, by adding Sections 501.153, 501.154, and 501.155, as follows:

Sec. 501.153. ALTERNATIVE DISPUTE RESOLUTION. (a) Requires CMHCC to develop and implement a policy to encourage the use of appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the committee's jurisdiction.

(b) Requires CMHCC's procedures relating to alternative dispute resolution to conform, to the extent possible, to any model guidelines issued by the State Office

of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) Requires CMHCC to designate a trained person to perform certain tasks.

Sec. 501.154. USE OF TECHNOLOGY. Requires CMHCC to implement a policy requiring CMHCC to use appropriate technological solutions to improve CMHCC's ability to perform its functions. Requires the policy to ensure that the public is able to interact with CMHCC on the Internet.

Sec. 501.155. AVAILABILITY OF CORRECTIONAL HEALTH CARE INFORMATION TO THE PUBLIC. (a) Requires CMHCC to ensure that certain information is available to the public.

(b) Requires CMHCC to make the information described by Subsection (a) available on CMHCC's website and, on request, in writing. Requires CMHCC to cooperate with TDCJ and the health care providers to ensure that CMHCC's website meets certain requirements relating to accessibility.

(c) Requires CMHCC to cooperate with TDCJ to ensure that public disclosure of the information would not pose a security threat to any individual or to the criminal justice system in determining the specific information to be made available under this section.

SECTION 32. Amends Subchapter B, Chapter 507, Government Code, by adding Section 507.028, as follows:

Sec. 507.028. SCREENING FOR AND EDUCATION CONCERNING FETAL ALCOHOL EXPOSURE DURING PREGNANCY. (a) Requires TDCJ to establish and use a screening program in state jail felony facilities that is substantially similar to the program established and used by TDCJ under Section 501.059.

(b) Requires TDCJ to provide to all female defendants confined in state jail felony facilities an educational brochure describing the risks and dangers of consuming alcohol during pregnancy.

SECTION 33. Amends Section 508.033, Government Code, by amending Subsections (a), (b), (c), and (d), and adding Subsection (f), as follows:

(a) Provides that a person is not eligible for appointment as a member of the Board of Pardons and Paroles (parole board) or for employment as a parole commissioner if the person or the person's spouse meets certain requirements.

(b) Makes a conforming change.

(c) Prohibits certain persons from serving as a parole commissioner.

(d) Prohibits a person who is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists) because of the person's activities for compensation in or on behalf of a profession related to the operation of the parole board from serving as a parole commissioner.

(f) Prohibits a person who is a current or former employee of TDCJ from serving as a parole commissioner before the second anniversary of the date the person's employment with TDCJ ceases, and prohibits a member of the board from serving as a parole commissioner before the second anniversary of the date the person's membership on the board ceases.

SECTION 34. Amends Section 508.036(b), Government Code, to require the parole board to develop and implement policies that provide the public with a reasonable opportunity to appear



before the parole board and to speak on any issue under the jurisdiction of the parole board, with the exception of an individual parole determination or clemency recommendation.

SECTION 35. Amends Section 508.036, Government Code, by adding Subsection (e), as follows:

(e) Requires the parole board, in accordance with the rules and procedures of the Legislative Budget Board, to prepare, approve, and submit a legislative appropriations request that is separate from the legislative appropriations request for TDCJ and is used to develop the parole board's budget structure. Requires the parole board to maintain the board's legislative appropriations request and budget structure separately from those of TDCJ.

SECTION 36. Amends Subchapter B, Chapter 508, Government Code, by adding Sections 508.053, 508.054, and 508.055, as follows:

Sec. 508.053. USE OF TECHNOLOGY. Requires the parole board to implement a policy requiring the parole board to use appropriate technological solutions to improve the parole board's ability to perform its functions. Requires the policy to ensure that the public is able to interact with the parole board on the Internet.

Sec. 508.054. RECORDS OF COMPLAINTS. (a) Requires the parole board to maintain a system to act on complaints filed with the board. Requires the parole board to maintain certain information relating to a complaint.

(b) Requires the parole board to make information available describing its procedures for complaint investigation and resolution.

(c) Requires the parole board to periodically notify the complaint parties of the status of the complaint until final disposition.

(d) Provides that this section does not apply to a complaint about an individual parole determination or clemency recommendation.

Sec. 508.055. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION. (a) Requires the parole board to develop and implement a policy to encourage the use of certain procedures relating to dispute resolution.

(b) Requires the parole board's procedures relating to alternative dispute resolution to conform to any model guidelines from the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) Requires the parole board to designate a trained person to perform certain tasks.

SECTION 37. Amends Subchapter D, Chapter 508, Government Code, by adding Section 508.1131, as follows:

Sec. 508.1131. SALARY CAREER LADDER FOR PAROLE OFFICERS. (a) Requires the executive director of TDCJ to adopt a salary career ladder for parole officers. Requires the salary career ladder to base a parole officer's salary on the officer's classification and years of service with TDCJ.

(b) Requires TDCJ, for purposes of the salary schedule, to classify all parole officer positions as Parole Officer I, Parole Officer II, Parole Officer III, Parole Officer IV, or Parole Officer V.

(c) Provides that, under the salary career ladder adopted under Subsection (a), a parole officer to whom the schedule applies and who received an overall evaluation of at least satisfactory in the officer's most recent annual evaluation is

entitled to an annual salary increase, during each of the officer's first 10 years of service in a designated parole officer classification as described by Subsection (b), equal to one-tenth of the difference between the officer's current annual salary and the minimum annual salary of a parole officer in the next highest classification.

SECTION 38. Amends Section 508.117(g)(1), Government Code, to redefine "close relative of a deceased victim."

SECTION 39. Amends Section 508.144, Government Code, by amending Subsections (a) and (b) and adding Subsections (d), (e), and (f), as follows:

(a) Requires the parole board to ensure that the guidelines require consideration of an inmate's progress in any programs in which the inmate participated during the inmate's term of confinement. Deletes existing text requiring the parole board to review certain guidelines periodically.

(b) Requires a parole board member or parole commissioner to produce a written statement, rather than a brief written statement, describing in detail the specific circumstances regarding the departure from the guidelines, and provide a copy of the statement to the inmate if a parole board member or parole commissioner deviates from the parole guidelines in voting on a parole decision.

(d) Requires the parole board to meet annually to review and discuss the parole guidelines developed under Subsection (a). Authorizes the parole board to consult outside experts to assist with the review. Requires the parole board to consider certain results of the parole guidelines.

(e) Authorizes the parole board to perform certain tasks relating to the guidelines based on the parole board's review of the parole guidelines under Subsection (d).

(f) Provides that the parole board is not required to hold an open meeting to review the guidelines as required by Subsection (d), but requires that any modifications or updates to the guidelines made by the parole board under Subsection (e) occur in an open meeting.

SECTION 40. Amends Subchapter E, Chapter 508, Government Code, by adding Section 508.1445, as follows:

Sec. 508.1445. ANNUAL REPORT ON GUIDELINES REQUIRED. (a) Requires the parole board to annually submit a report to certain entities primarily responsible for criminal justice regarding the board's application of the parole guidelines adopted under Section 508.144.

(b) Sets forth certain content requirements for the report.

SECTION 41. Amends Section 508.155(c), Government Code, as follows:

(c) Authorizes the pardons and paroles division (division) to allow a releasee to serve the remainder of the releasee's sentence without supervision and without being required to report if a parole supervisor at the regional level has approved the releasee's early release from supervision under Section 508.1555. Deletes existing text relating to certain requirements a releasee must meet to obtain an early release.

SECTION 42. Amends Subchapter E, Chapter 508, Government Code, by adding Section 508.1555, as follows:

Sec. 508.1555. PROCEDURE FOR THE EARLY RELEASE FROM SUPERVISION OF CERTAIN RELEASEES. (a) Requires a parole officer to annually identify the releasees under the parole officer's supervision who are eligible for early release from supervision under Section 508.155(c). Sets forth certain conditions a releasee is required to meet for early release.

(b) Requires the parole officer to review the eligible releasees, including any releasees the parole officer has previously declined to recommend for early release, to determine if a recommendation for early release from supervision is appropriate following identifying any releasees who are eligible for early release under Subsection (a). Requires the parole officer to consider certain criteria a releasee must meet in conducting the review and determining recommendations.

(c) Requires a parole officer to forward to the parole supervisor at the regional level any recommendations for early release the parole officer makes under Subsection (b). Requires the division to allow a releasee to serve the remainder of the releasee's sentence without supervision and without being required to report as authorized by Section 508.155 if the parole supervisor approves the recommendation.

SECTION 43. Amends Subchapter B, Chapter 659, Government Code, by adding Section 659.0155, as follows:

Sec. 659.0155. PAYMENT TO EMPLOYEES OF TEXAS DEPARTMENT OF CRIMINAL JUSTICE FOR OVERTIME. Requires TDCJ to compensate a person employed by TDCJ for any overtime accrued by the employee for which the employee is entitled to compensation under Section 659.015 in the same month TDCJ compensates employees at the regular rate of pay for the period in which the employee accrued the overtime.

SECTION 44. Amends Section 614.0032(a), Health and Safety Code, to require the Texas Correctional Office on Offenders with Medical or Mental Impairments to perform duties in accordance to Section 15(i), Article 42.12, Code of Criminal Procedure.

SECTION 45. Amends Section 32.024, Human Resources Code, by adding Subsection (dd), as follows:

(dd) Provides that, notwithstanding any other law, an inmate released on medically recommended intensive supervision under Section 508.146, Government Code, who otherwise meets the eligibility requirements for the medical assistance program is not ineligible for the program solely on the basis of the conviction or adjudication for which the inmate was sentenced to confinement.

SECTION 46. Amends Subchapter D, Chapter 110, Occupations Code, by adding Section 110.164, as follows:

Sec. 110.164. DYNAMIC RISK ASSESSMENT TOOL. (a) Requires the Council on Sex Offender Treatment (council) to develop or adopt a dynamic risk assessment tool to be used in determining the likelihood that a person who is confined in a penal institution and will become subject to Chapter 62, Code of Criminal Procedure, on being released from the institution will commit an offense described by Article 62.001(5), Code of Criminal Procedure, after being released from the institution.

(b) Requires the dynamic risk assessment tool to enable the assignment to a person of a risk level of low, medium, or high.

SECTION 47. Amends Section 110.302(c), Occupations Code, as follows:

(c) Authorizes the governing board of the Texas Youth Commission (governing board; TYC), rather than the governing board or the Texas Board of Criminal Justice, to exempt employees of TYC, rather than TYC or TDCJ, from a specific licensing requirement imposed under this section if the governing board determines that the requirement causes financial or operational hardship on the agency. Prohibits the Texas Board of Criminal Justice from exempting any employee of TDCJ from a licensing requirement imposed by this section for any reason.

SECTION 48. Amends Section 721.003(a), Transportation Code, to make nonsubstantive changes.

SECTION 49. (a) Requires TDCJ to study the operation and maintenance of different types of electronic monitoring equipment. Requires the study conducted under this subsection to examine certain factors relating to monitoring equipment.

(b) Requires TDCJ to submit a report summarizing the findings of the study conducted under Subsection (a) of this section to certain entities not later than December 1, 2009.

SECTION 50. (a) Requires TDCJ to conduct a study regarding inmate recidivism, alternatives to confinement, and prisoner exchange programs with foreign countries.

(b) Requires TDCJ to submit a report to the members of the 81st Legislature regarding the results of the study conducted under Subsection (a) of this section.

SECTION 51. Makes application of Articles 15.19(a), 15.20, and 15.21, Code of Criminal Procedure, of this Act prospective.

SECTION 52. Makes application of Section 8(a), Article 42.09, Code of Criminal Procedure, of this Act prospective.

SECTION 53. Makes application of Section 5(b), Article 42.12, Code of Criminal Procedure, of this Act prospective.

SECTION 54. Makes application of Section 15(a)(1), Article 42.12, Code of Criminal Procedure, of this Act prospective.

SECTION 55. (a) Requires the speaker of the house of representatives and the lieutenant governor to appoint members to the Criminal Justice Legislative Oversight Committee under Chapter 328, Government Code, as added by this Act, not later than January 1, 2008.

(b) Requires the speaker of the house of representatives, not later than January 15, 2008, to appoint a presiding officer for the committee notwithstanding Section 328.003, Government Code, as added by this Act. Provides that the presiding officer appointed by the speaker of the house of representatives under this section serves a one-year term that begins on February 1, 2008, and ends on February 1, 2009.

SECTION 55A. Makes application of Section 493.0151, Government Code, as added by this Act, prospective.

SECTION 56. Makes application of Sections 495.025 and 495.026, Government Code, as added by this Act, prospective.

SECTION 57. Requires the Texas Department of Criminal Justice to establish the screening programs concerning fetal alcohol exposure under Sections 501.059 and 507.028, Government Code, as added by this Act not later than March 1, 2008. Requires the Texas Department of Criminal Justice to begin screening all inmates or defendants confined in state jail felony facilities as required by those sections not later than September 1, 2008.

SECTION 58. Requires the Texas Department of Criminal Justice to ensure that information is made available to inmates as required by Section 501.064, Government Code, as added by this Act, not later than March 1, 2008.

SECTION 59. Requires the Correctional Managed Health Care Committee to ensure that information is made available to the public as required by Section 501.155, Government Code, as added by this Act, not later than January 1, 2008.

SECTION 60. Provides that Section 508.033, Government Code, as amended by this Act, applies only to a parole commissioner on or after the effective date of this act. Provides that a person

hired as a parole commissioner before the effective date of this Act is covered by the law in effect on the date the person was hired, and the former law is continued in effect for that purpose.

SECTION 61. Requires the executive director of TDCJ, as soon as practicable after the effective date of this Act, but not later than the 30th day after that date, to adopt a salary career ladder for parole officers as required by Section 508.1131, Government Code, as added by this Act. Entitles each parole officer to whom the schedule applies and who received an overall evaluation, beginning the first day of the month following the date on which the executive director adopts the salary career ladder, to a salary in an amount that meets or exceeds the amount specified in the schedule for the officer's classification and years of service with TDCJ.

SECTION 62. Makes application of Section 508.144(b), Government Code, as amended by this Act, prospective.

SECTION 63. Requires the Board of Pardons and Paroles to hold its first annual meeting to review the parole guidelines as required by Section 508.144(d), Government Code, as added by this Act, not later than September 1, 2008.

SECTION 64. Requires the Board of Pardons and Paroles to submit its first annual report on the parole guidelines as required by Section 508.1445, Government Code, as added by this Act, not later than December 1, 2008.

SECTION 65. Provides that Section 508.155(c), Government Code, as amended by this Act, applies to a person who is a releasee on or after the effective date of this act, regardless of the date on which the person was originally released to parole or mandatory supervision.

SECTION 66. Requires each parole officer to complete the officer's first annual identification of releasees under the officer's supervision who are eligible for early release from supervision, as required by Section 508.1555, Government Code, as added by this Act, not later than September 1, 2008.

SECTION 67. Requires the agency, if before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for the implementation of that provision, to request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 68. Effective date: upon passage or September 1, 2007.