

By: Hodge

H.B. No. 403

Substitute the following for H.B. No. 403:

By: Pena

C.S.H.B. No. 403

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the termination of supervision and reporting for  
3 certain releasees on parole or mandatory supervision who  
4 successfully complete a substance abuse treatment program.

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

6 SECTION 1. Subchapter E, Chapter 508, Government Code, is  
7 amended by adding Section 508.1551 to read as follows:

8 Sec. 508.1551. EARLY TERMINATION OF SUPERVISION. (a) The  
9 board shall allow a releasee to serve the remainder of the  
10 releasee's sentence without supervision and without being required  
11 to report if the releasee:

12 (1) is required as a condition of release under  
13 Section 508.185 to participate in a substance abuse treatment  
14 program of not less than 150 days' duration;

15 (2) successfully completes the program; and

16 (3) submits to the parole officer supervising the  
17 person:

18 (A) proof of the person's successful completion  
19 of the program in the manner required by the board;

20 (B) an application for termination of  
21 supervision and reporting on a form prescribed by the board; and

22 (C) a one-time nonrefundable supervision  
23 termination fee made payable to the division in the amount of \$500.

24 (b) The board shall:

1           (1) adopt rules governing the manner by which a person  
2 may provide proof of the successful completion of a substance abuse  
3 treatment program for purposes of this section; and

4           (2) prescribe a standard form for use as an  
5 application for termination of supervision and reporting under this  
6 section.

7           (c) A parole officer who receives the materials described by  
8 Subsection (a)(3) shall promptly forward those materials to the  
9 designated representative within the division for processing. On  
10 receipt of the materials, including the fee, and on verification of  
11 the person's proof of the successful completion of a substance  
12 abuse treatment program, the division shall immediately notify the  
13 board. On receipt of the notification, the board shall terminate  
14 the person's duty to submit to supervision and duty to report.

15           (d) Fees collected under this section shall be deposited to  
16 the credit of a dedicated account in the general revenue fund.  
17 Money in the account may be appropriated only to provide funding for  
18 the administration and provision of substance abuse treatment under  
19 Section 508.185.

20           (e) The board may require a person released from supervision  
21 and reporting under Subsection (a) to resubmit to supervision and  
22 resume reporting at any time if the board determines such actions  
23 are in the best interest of the person or of the community.

24           SECTION 2. Section 508.185, Government Code, is amended to  
25 read as follows:

26           Sec. 508.185. SUBSTANCE ABUSE TREATMENT. (a) A parole  
27 panel shall require as a condition of release on parole or release

1 to mandatory supervision that an inmate participate as a releasee  
2 in a substance abuse treatment program approved by the Department  
3 of State Health Services that is not less than 150 days in duration  
4 if the inmate:

5 (1) is not serving a sentence for and has never been  
6 previously convicted of an offense listed in Section 508.149 and  
7 would not otherwise be considered ineligible for release to  
8 mandatory supervision under that section;

9 (2) successfully completes an in-prison substance  
10 abuse treatment program or [who] immediately before release is a  
11 participant in the program established under Section 501.0931,  
12 successfully completes a substance abuse treatment program under  
13 Section 493.009, or is otherwise identified by the board or the  
14 department through use of an evidence-based assessment process that  
15 includes risk and needs assessment instruments and clinical  
16 assessments as an appropriate candidate for treatment; and

17 (3) agrees to participate as a releasee in a substance  
18 abuse [in a drug or alcohol abuse continuum of care] treatment  
19 program that is not less than 150 days in duration either as a  
20 resident or outpatient.

21 (b) The department, in consultation with the board, shall  
22 adopt policies to ensure that each releasee agreeing to participate  
23 in a substance abuse treatment program is properly assigned to a  
24 residential or outpatient program, as appropriate, for that  
25 releasee.

26 (c) The Department of State Health Services:

27 (1) is responsible for the administration of the

1 certification of residential and outpatient substance abuse  
2 treatment programs approved under this section;

3 (2) may charge a nonrefundable application fee for:

4 (A) initial certification of the approval; or

5 (B) renewal of the certification; and

6 (3) shall monitor, coordinate, and provide training to  
7 a person who provides a substance abuse ~~[The Texas Commission on~~  
8 ~~Alcohol and Drug Abuse shall develop the continuum of care]~~  
9 treatment program under this section.

10 SECTION 3. This Act applies to a person who is released on  
11 parole or to mandatory supervision before, on, or after the  
12 effective date of this Act.

13 SECTION 4. This Act takes effect September 1, 2008.