

By: Madden

H.B. No. 3200

Substitute the following for H.B. No. 3200:

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C.S.H.B. No. 3200

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the computation of certain funding for community
3 supervision and corrections departments.

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

5 SECTION 1. Section 509.011, Government Code, is amended by
6 amending Subsections (a) and (e) and adding Subsections (i) and (j)
7 to read as follows:

8 (a) If the division determines that a department complies
9 with division standards and if the community justice council has
10 submitted a community justice plan under Section 76.003 and the
11 supporting information required by the division and the division
12 determines the plan and supporting information are acceptable, the
13 division shall prepare and submit to the comptroller vouchers for
14 payment to the department as follows:

15 (1) for per capita funding, a per diem amount for:

16 (A) each felony defendant placed on community
17 supervision and ~~directly~~ supervised by the department pursuant to
18 lawful authority; and

19 (B) each felony defendant participating in a
20 pretrial program and supervised by the department pursuant to
21 lawful authority;

22 (2) for per capita funding, a per diem amount for a
23 period not to exceed 182 days for each misdemeanor defendant placed
24 on community supervision and supervised by the department pursuant

1 to lawful authority[~~, other than a felony defendant~~]; and

2 (3) for formula funding, an annual amount as computed
3 by multiplying a percentage determined by the allocation formula
4 established under Subsection (f) times the total amount provided in
5 the General Appropriations Act for payments under this subdivision.

6 (e) In establishing the per capita funding formula under
7 Subsection (i) [per diem payments authorized by Subsections (a)(1)
8 and (a)(2)], the division shall consider the amounts appropriated
9 in the General Appropriations Act for basic supervision as
10 sufficient to provide basic supervision in each year of the fiscal
11 biennium.

12 (i) The division biennially shall establish a per capita
13 funding formula to determine the percentage of the total amount
14 provided in the General Appropriations Act for payments to
15 departments that each department is entitled to receive as per
16 capita funding under Subsection (a)(1)(A). The formula must
17 include:

18 (1) higher per capita rates for those felony
19 defendants supervised by a department who are serving the early
20 years of a term of community supervision than for those felony
21 defendants who are serving the end of a term of community
22 supervision;

23 (2) penalties in per capita funding with respect to
24 each felony defendant supervised by a department whose community
25 supervision is revoked due to a technical violation of an
26 applicable condition of community supervision; and

27 (3) awards in per capita funding with respect to each

1 felony defendant supervised by a department who is discharged
2 following an early termination of community supervision under
3 Section 5 or Section 20, Article 42.12, Code of Criminal Procedure,
4 as applicable.

5 (j) The board by rule may adopt a policy limiting the
6 percentage of benefit or loss a department may realize as a result
7 of the operation of the per capita funding formula established
8 under Subsection (i).

9 SECTION 2. (a) Not later than January 1, 2008, the
10 community justice assistance division of the Texas Department of
11 Criminal Justice shall establish the per capita funding formula
12 described by Section 509.011(i), Government Code, as added by this
13 Act, that is to be used for the state fiscal year beginning
14 September 1, 2008.

15 (b) Sections 509.011(a) and (e), Government Code, as
16 amended by this Act, and Sections 509.011(i) and (j), Government
17 Code, as added by this Act, apply to appropriations made for any
18 state fiscal year beginning on or after September 1, 2008.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2007.