

By: West

S.B. No. 166

A BILL TO BE ENTITLED

AN ACT

relating to a prison diversion progressive sanctions 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 PROGRESSIVE SANCTIONS PROGRAM. (a) The division shall provide 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 that:

(1) serve counties in which the revocation rate for defendants on community supervision significantly exceeds the statewide average or historically has significantly exceeded the statewide average; or

(2) have demonstrated success, through the implementation of a system of progressive sanctions, in reducing the revocation rate of defendants placed on community supervision.

(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 that adhere to the components set forth in Section 469.001, Health and Safety Code. As a condition to receiving a grant, a

1 department must offer a plan that contains some if not all of the  
2 following components:

3 (1) an evidence-based assessment process that  
4 includes risk and needs assessment instruments and clinical  
5 assessments that support conditions of community supervision or  
6 case management strategies;

7 (2) reduced and specialized caseloads for supervision  
8 officers, which may include electronic monitoring or substance  
9 abuse testing of defendants;

10 (3) the creation, designation, and fiscal support of  
11 courts and associated infrastructure necessary to increase  
12 judicial oversight and reduce revocations;

13 (4) increased monitoring and field contact by  
14 supervision officers;

15 (5) shortened terms of community supervision, with  
16 increased supervision during the earliest part of the term;

17 (6) strategies that reduce the number of technical  
18 violations;

19 (7) improved coordination between courts and  
20 departments to provide early assessment of defendant needs at the  
21 outset of supervision;

22 (8) graduated sanctions and incentives, offered to a  
23 defendant by both the departments and courts served by the  
24 department;

25 (9) the use of inpatient and outpatient treatment  
26 options, including substance abuse treatment, mental health  
27 treatment, and cognitive and behavioral programs for defendants;

- 1           (10) the use of intermediate sanctions facilities;
- 2           (11) the use of community corrections beds;
- 3           (12) early termination strategies and capabilities;
- 4           (13) gang intervention strategies; and
- 5           (14) designation of faith-based community  
6 coordinators who will develop faith-based resources, including a  
7 mentoring program.

8           (c) The division shall, not later than December 1 of each  
9 even-numbered year, provide a report to the board. The report must  
10 state the number of departments receiving grants under this  
11 section, identify those departments by name, and describe for each  
12 department receiving a grant the components of the department's  
13 program and the success of the department in reducing revocations.  
14 The report must also contain an analysis of the scope,  
15 effectiveness, and cost benefit of programs funded by grants  
16 provided under this section and a comparison of those programs to  
17 similar programs in existence in various departments before March  
18 1, 2005. The division may include in the report any other  
19 information the division determines will be beneficial to the board  
20 or the legislature. The board shall forward the report to the  
21 lieutenant governor and the speaker of the house of representatives  
22 not later than December 15 of each even-numbered year.

23           SECTION 2. The community justice assistance division of the  
24 Texas Department of Criminal Justice shall develop criteria and  
25 review grant proposals, as required by Section 509.016, Government  
26 Code, as added by this Act, as soon as possible after the effective  
27 date of this Act, and shall begin making grants under that section

1 not later than September 30, 2007.

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