

1-1 By: West S.B. No. 166  
1-2 (In the Senate - Filed January 4, 2007; January 29, 2007,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 2, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 2, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 166 By: Hinojosa

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

1-10 relating to a prison diversion progressive sanctions 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 PROGRESSIVE SANCTIONS  
1-15 PROGRAM. (a) The division shall provide grants to selected  
1-16 departments for the implementation of a system of progressive  
1-17 sanctions designed to reduce the revocation rate of defendants  
1-18 placed on community supervision. The division shall give priority  
1-19 in providing grants to departments that:  
1-20 (1) serve counties in which the revocation rate for  
1-21 defendants on community supervision significantly exceeds the  
1-22 statewide average or historically has significantly exceeded the  
1-23 statewide average; or  
1-24 (2) have demonstrated success, through the  
1-25 implementation of a system of progressive sanctions, in reducing  
1-26 the revocation rate of defendants placed on community supervision.  
1-27 (b) In determining which departments are proper candidates  
1-28 for grants under this section, the division shall give preference  
1-29 to departments that present to the division a plan that will target  
1-30 medium-risk and high-risk defendants and use progressive sanction  
1-31 models that adhere to the components set forth in Section 469.001,  
1-32 Health and Safety Code. As a condition to receiving a grant, a  
1-33 department must offer a plan that contains some if not all of the  
1-34 following components:  
1-35 (1) an evidence-based assessment process that  
1-36 includes risk and needs assessment instruments and clinical  
1-37 assessments that support conditions of community supervision or  
1-38 case management strategies;  
1-39 (2) reduced and specialized caseloads for supervision  
1-40 officers, which may include electronic monitoring or substance  
1-41 abuse testing of defendants;  
1-42 (3) the creation, designation, and fiscal support of  
1-43 courts and associated infrastructure necessary to increase  
1-44 judicial oversight and reduce revocations;  
1-45 (4) increased monitoring and field contact by  
1-46 supervision officers;  
1-47 (5) shortened terms of community supervision, with  
1-48 increased supervision during the earliest part of the term;  
1-49 (6) strategies that reduce the number of technical  
1-50 violations;  
1-51 (7) improved coordination between courts and  
1-52 departments to provide early assessment of defendant needs at the  
1-53 outset of supervision;  
1-54 (8) graduated sanctions and incentives, offered to a  
1-55 defendant by both the departments and courts served by the  
1-56 department;  
1-57 (9) the use of inpatient and outpatient treatment  
1-58 options, including substance abuse treatment, mental health  
1-59 treatment, and cognitive and behavioral programs for defendants;  
1-60 (10) the use of intermediate sanctions facilities;  
1-61 (11) the use of community corrections beds;  
1-62 (12) early termination strategies and capabilities;  
1-63 (13) gang intervention strategies; and

2-1 (14) designation of faith-based community  
2-2 coordinators who will develop faith-based resources, including a  
2-3 mentoring program.

2-4 (c) The division shall, not later than December 1 of each  
2-5 even-numbered year, provide a report to the board. The report must  
2-6 state the number of departments receiving grants under this  
2-7 section, identify those departments by name, and describe for each  
2-8 department receiving a grant the components of the department's  
2-9 program and the success of the department in reducing revocations.  
2-10 The report must also contain an analysis of the scope,  
2-11 effectiveness, and cost benefit of programs funded by grants  
2-12 provided under this section and a comparison of those programs to  
2-13 similar programs in existence in various departments before March  
2-14 1, 2005. The division may include in the report any other  
2-15 information the division determines will be beneficial to the board  
2-16 or the legislature. The board shall forward the report to the  
2-17 lieutenant governor and the speaker of the house of representatives  
2-18 not later than December 15 of each even-numbered year.

2-19 SECTION 2. The community justice assistance division of the  
2-20 Texas Department of Criminal Justice shall develop criteria and  
2-21 review grant proposals, as required by Section 509.016, Government  
2-22 Code, as added by this Act, as soon as possible after the effective  
2-23 date of this Act, and shall begin making grants under that section  
2-24 not later than September 30, 2007.

2-25 SECTION 3. This Act takes effect immediately if it receives  
2-26 a vote of two-thirds of all the members elected to each house, as  
2-27 provided by Section 39, Article III, Texas Constitution. If this  
2-28 Act does not receive the vote necessary for immediate effect, this  
2-29 Act takes effect September 1, 2007.

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