

By: Whitmire

S.B. No. 909

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the continuation and functions of the Texas Board of  
3 Criminal Justice, the Texas Department of Criminal Justice, and the  
4 Correctional Managed Health Care Committee and to the functions of  
5 the Board of Pardons and Paroles.

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

7 SECTION 1. Section 15, Article 42.12, Code of Criminal  
8 Procedure, is amended by adding Subsections (i), (j), and (k) to  
9 read as follows:

10 (i) If a defendant is convicted of a state jail felony and  
11 the sentence is executed, the judge sentencing the defendant may  
12 release the defendant to a medically suitable placement if the  
13 judge determines that the defendant does not constitute a threat to  
14 public safety and the Texas Correctional Office on Offenders with  
15 Medical or Mental Impairments:

16 (1) in coordination with the Correctional Managed  
17 Health Care Committee prepares a case summary and medical report  
18 that identifies the defendant as being elderly, physically  
19 disabled, mentally ill, terminally ill, or mentally retarded or  
20 having a condition requiring long-term care; and

21 (2) in cooperation with the community supervision and  
22 corrections department serving the sentencing court, prepares for  
23 the defendant a medically recommended intensive supervision and  
24 continuity of care plan that:

1           (A) ensures appropriate supervision of the  
2 defendant by the community supervision and corrections department;  
3 and

4           (B) requires the defendant to remain under the  
5 care of a physician at and reside in a medically suitable placement.

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

11           (k) If a defendant released to a medically suitable  
12 placement under Subsection (i) violates the terms of that release,  
13 the judge may dispose of the matter as provided by Subsections (e)  
14 and (f)(1).

15           SECTION 2. Chapter 76, Government Code, is amended by  
16 adding Section 76.019 to read as follows:

17           Sec. 76.019. RECOMMENDATIONS CONCERNING TERMINATION OF  
18 COMMUNITY SUPERVISION. (a) In this section, "routine offender  
19 assessment" means any regularly scheduled evaluation, assessment,  
20 or reassessment of a defendant's progress in satisfactorily  
21 completing the defendant's term of community supervision that is  
22 conducted by the department supervising the defendant.

23           (b) During the first routine offender assessment conducted  
24 after the date on which a defendant completes one-third of the  
25 original community supervision period or two years of community  
26 supervision, whichever is earlier, the department supervising the  
27 defendant shall:

1           (1) determine whether the defendant:

2                   (A) has satisfactorily fulfilled the conditions  
3 of community supervision; and

4                   (B) is an appropriate candidate for termination  
5 of community supervision under Section 20, Article 42.12, Code of  
6 Criminal Procedure; and

7           (2) recommend to the court that placed the defendant  
8 on community supervision whether the court should reduce the period  
9 of community supervision or terminate community supervision and  
10 discharge the defendant under Section 20, Article 42.12, Code of  
11 Criminal Procedure.

12           (c) If the court that placed a defendant on community  
13 supervision at any time determines that the defendant is indigent,  
14 the department supervising the defendant may not refuse to  
15 recommend that the defendant's period of community supervision be  
16 reduced or that community supervision be terminated and the  
17 defendant be discharged solely on the grounds that the defendant  
18 has not paid any fees, fines, court costs, or restitution that the  
19 defendant was ordered to pay as a condition of community  
20 supervision.

21           SECTION 3. The heading to Subtitle C, Title 3, Government  
22 Code, is amended to read as follows:

23           SUBTITLE C. LEGISLATIVE AGENCIES AND OVERSIGHT COMMITTEES

24           SECTION 4. Subtitle C, Title 3, Government Code, is amended  
25 by adding Chapter 328 to read as follows:

26           CHAPTER 328. CRIMINAL JUSTICE LEGISLATIVE OVERSIGHT COMMITTEE

27           Sec. 328.001. DEFINITION. In this chapter, "committee"

1 means the Criminal Justice Legislative Oversight Committee.

2 Sec. 328.002. ESTABLISHMENT; COMPOSITION. (a) The  
3 Criminal Justice Legislative Oversight Committee is established to  
4 provide objective research, analysis, and recommendations to help  
5 guide state criminal justice policies.

6 (b) The committee is composed of six members as follows:

7 (1) the chair of the Senate Committee on Criminal  
8 Justice;

9 (2) the chair of the House Committee on Corrections;

10 (3) two members of the senate appointed by the  
11 lieutenant governor; and

12 (4) two members of the house of representatives  
13 appointed by the speaker of the house of representatives.

14 (c) In making appointments under Subsection (b)(3) or (4),  
15 the lieutenant governor or the speaker of the house of  
16 representatives, as applicable, shall give first consideration to  
17 members of the senate or the house of representatives who are  
18 members of the Senate Committee on Finance or the House  
19 Appropriations Committee.

20 (d) An appointed member of the committee serves at the  
21 pleasure of the appointing official.

22 Sec. 328.003. PRESIDING OFFICER; TERM. (a) The lieutenant  
23 governor and the speaker of the house of representatives shall  
24 appoint the presiding officer of the committee on an alternating  
25 basis.

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

1       Sec. 328.004. POWERS AND DUTIES. (a) The committee shall:

2               (1) use statistical analyses and other research  
3 methods to conduct an in-depth examination of the criminal justice  
4 system in this state that includes:

5                       (A) an assessment of the cost-effectiveness of  
6 the use of state and local funds in the criminal justice system;

7                       (B) an identification of critical problems in the  
8 criminal justice system; and

9                       (C) a determination of the long-range needs of  
10 the criminal justice system;

11               (2) recommend to the legislature:

12                       (A) strategies to solve the problems identified  
13 under Subdivision (1)(B); and

14                       (B) policy priorities to address the long-range  
15 needs determined under Subdivision (1)(C); and

16               (3) advise and assist the legislature in developing  
17 plans, programs, and proposed legislation to improve the  
18 effectiveness of the criminal justice system.

19               (b) The committee has all other powers and duties provided  
20 to a special committee by:

21                       (1) Subchapter B, Chapter 301;

22                       (2) the rules of the senate and the house of  
23 representatives; and

24                       (3) policies of the senate and house committees on  
25 administration.

26       Sec. 328.005. MEETINGS. The committee shall meet at the  
27 call of the presiding officer.

1       Sec. 328.006. STAFF; AUTHORITY TO CONTRACT. The committee  
2 may hire staff or may contract with universities or other suitable  
3 entities to assist the committee in carrying out the committee's  
4 duties. Funding to support the operation of the committee shall be  
5 provided from funds appropriated to the Texas Legislative Council.

6       Sec. 328.007. REPORT. Not later than January 1 of each  
7 odd-numbered year, the committee shall submit to the legislature a  
8 report that contains the recommendations described by Section  
9 328.004(a)(2).

10       SECTION 5. Section 492.012, Government Code, is amended to  
11 read as follows:

12       Sec. 492.012. SUNSET PROVISION. The Texas Board of  
13 Criminal Justice and the Texas Department of Criminal Justice are  
14 subject to Chapter 325 (Texas Sunset Act). Unless continued in  
15 existence as provided by that chapter, the board and the department  
16 are abolished September 1, 2011 [~~2007~~].

17       SECTION 6. Chapter 492, Government Code, is amended by  
18 adding Sections 492.0125, 492.015, and 492.016 to read as follows:

19       Sec. 492.0125. COMPLIANCE WITH SUNSET RECOMMENDATIONS.

20       (a) The department shall:

21               (1) comply with and implement the management action  
22 recommendations regarding the department adopted by the Sunset  
23 Advisory Commission on January 10, 2007, as a result of its review  
24 of the department; and

25               (2) report to the Sunset Advisory Commission not later  
26 than November 1, 2008, the information the Sunset Advisory  
27 Commission requires regarding the department's implementation of

1 the recommendations under Subdivision (1).

2 (b) This section expires June 1, 2009.

3 Sec. 492.015. USE OF TECHNOLOGY. The board shall implement  
4 a policy requiring the department to use appropriate technological  
5 solutions to improve the department's ability to perform its  
6 functions. The policy must ensure that the public is able to  
7 interact with the department on the Internet.

8 Sec. 492.016. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE  
9 RESOLUTION. (a) The board shall develop and implement a policy to  
10 encourage the use of:

11 (1) negotiated rulemaking procedures under Chapter  
12 2008 for the adoption of department rules; and

13 (2) appropriate alternative dispute resolution  
14 procedures under Chapter 2009 to assist in the resolution of  
15 internal and external disputes under the department's  
16 jurisdiction.

17 (b) The department's procedures relating to alternative  
18 dispute resolution must conform, to the extent possible, to any  
19 model guidelines issued by the State Office of Administrative  
20 Hearings for the use of alternative dispute resolution by state  
21 agencies.

22 (c) The board shall designate a trained person to:

23 (1) coordinate the implementation of the policy  
24 adopted under Subsection (a);

25 (2) serve as a resource for any training needed to  
26 implement the procedures for negotiated rulemaking or alternative  
27 dispute resolution; and

1           (3) collect data concerning the effectiveness of those  
2 procedures, as implemented by the department.

3           SECTION 7. Subchapter B, Chapter 501, Government Code, is  
4 amended by adding Sections 501.059 and 501.064 to read as follows:

5           Sec. 501.059. SCREENING FOR AND EDUCATION CONCERNING FETAL  
6 ALCOHOL EXPOSURE DURING PREGNANCY. (a) The department shall  
7 establish a screening program to identify female inmates who are:

8                   (1) between the ages of 18 and 44;

9                   (2) sentenced to a term of confinement not to exceed  
10 two years; and

11                   (3) at risk for having a pregnancy with  
12 alcohol-related complications, including giving birth to a child  
13 with alcohol-related birth defects.

14           (b) The screening program established under Subsection (a)  
15 must:

16                   (1) evaluate the family planning practices of each  
17 female inmate described by Subsection (a) in relation to the  
18 inmate's consumption of alcohol and risk of having a pregnancy with  
19 alcohol-related complications;

20                   (2) include an objective screening tool to be used by  
21 department employees administering the screening program; and

22                   (3) occur during the diagnostic process or at another  
23 time determined by the department.

24           (c) The department shall provide:

25                   (1) a brief substance abuse intervention to all female  
26 inmates identified by the screening program as being at risk for  
27 having a pregnancy with alcohol-related complications; and



1           (2) an educational brochure describing the risks and  
2 dangers of consuming alcohol during pregnancy to all female  
3 inmates.

4           Sec. 501.064. AVAILABILITY OF CORRECTIONAL HEALTH CARE  
5 INFORMATION TO INMATES. The department shall ensure that the  
6 following information is available to any inmate confined in a  
7 facility operated by or under contract with the department:

8           (1) a description of the level, type, and variety of  
9 health care services available to inmates;

10          (2) the formulary used by correctional health care  
11 personnel in prescribing medication to inmates;

12          (3) correctional managed care policies and  
13 procedures; and

14          (4) the process for the filing of inmate grievances  
15 concerning health care services provided to inmates.

16          SECTION 8. Section 501.132, Government Code, is amended to  
17 read as follows:

18          Sec. 501.132. APPLICATION OF SUNSET ACT. The Correctional  
19 Managed Health Care Committee is subject to review under Chapter  
20 325 (Texas Sunset Act) regarding the committee's role and  
21 responsibilities. The committee shall be reviewed during the  
22 period in which the Texas Department of Criminal Justice is  
23 reviewed [~~Unless continued in existence as provided by that~~  
24 ~~chapter, the committee is abolished and this subchapter expires~~  
25 ~~September 1, 2007~~].

26          SECTION 9. Subchapter E, Chapter 501, Government Code, is  
27 amended by adding Section 501.1325 to read as follows:

1           Sec. 501.1325. COMPLIANCE WITH SUNSET RECOMMENDATIONS.

2           (a) The committee, The University of Texas Medical Branch at  
3 Galveston, and the Texas Tech University Health Sciences Center  
4 shall:

5                   (1) comply with and implement the management action  
6 recommendations regarding the committee, The University of Texas  
7 Medical Branch at Galveston, and the Texas Tech University Health  
8 Sciences Center adopted by the Sunset Advisory Commission on  
9 January 10, 2007, as a result of its review of the committee; and

10                   (2) report to the Sunset Advisory Commission not later  
11 than November 1, 2008, the information the Sunset Advisory  
12 Commission requires regarding the committee and the health care  
13 providers' implementation of the recommendations under Subdivision  
14 (1).

15           (b) This section expires June 1, 2009.

16           SECTION 10. Section 501.137, Government Code, is amended to  
17 read as follows:

18           Sec. 501.137. PRESIDING OFFICER. The governor shall  
19 designate a public [~~physician~~] member of the committee who is  
20 licensed to practice medicine in this state as presiding officer.  
21 The presiding officer serves in that capacity at the will of the  
22 governor.

23           SECTION 11. Subsection (a), Section 501.148, Government  
24 Code, is amended to read as follows:

25           (a) The committee shall:

26                   (1) develop statewide policies for the delivery of  
27 correctional health care;

1           (2) maintain [the] contracts for health care services  
2 in consultation with the department and the health care providers;

3           (3) communicate with the department and the  
4 legislature regarding the financial needs of the correctional  
5 health care system;

6           (4) allocate funding made available through  
7 legislative appropriations for correctional health care;

8           (5) monitor the expenditures of The University of  
9 Texas Medical Branch at Galveston and the Texas Tech University  
10 Health Sciences Center to ensure that those expenditures comply  
11 with applicable statutory and contractual requirements;

12           (6) serve as a dispute resolution forum  
13 ~~[(2) determine a capitation rate reflecting the true cost of~~  
14 ~~correctional health care, including necessary catastrophic~~  
15 ~~reserves;~~

16           ~~[(3) monitor and develop reports on general quality of~~  
17 ~~care issues;~~

18           ~~[(4) act as an independent third party in the~~  
19 ~~allocation of money to inmate health care providers, including the~~  
20 ~~allocation of money between The University of Texas Medical Branch~~  
21 ~~at Galveston and the Texas Tech University Health Sciences Center;~~

22           ~~[(5) act as an independent third party for the purpose~~  
23 ~~of dispute resolution]~~ in the event of a disagreement relating to  
24 inmate health care services between:

25           (A) the department and the health care providers;

26 or

27           (B) The University of Texas Medical Branch at

1 Galveston and the Texas Tech University Health Sciences Center;

2 (7) address problems found through monitoring  
3 activities by the department and health care providers [~~and~~  
4 [~~(6) enforce compliance with contract provisions~~],  
5 including requiring corrective action if care does not meet  
6 expectations as determined by those [~~quality of care~~] monitoring  
7 activities;

8 (8) identify and address long-term needs of the  
9 correctional health care system; and

10 (9) report to the Texas Board of Criminal Justice at  
11 the board's regularly scheduled meeting each quarter on the  
12 committee's policy decisions, the financial status of the  
13 correctional health care system, and corrective actions taken by or  
14 required of the department or the health care providers.

15 SECTION 12. Section 501.150, Government Code, is amended to  
16 read as follows:

17 Sec. 501.150. QUALITY OF CARE MONITORING BY THE DEPARTMENT  
18 AND HEALTH CARE PROVIDERS. (a) The committee shall establish a  
19 procedure for monitoring the quality of care delivered by the  
20 health care providers. Under the procedure, the department shall  
21 monitor the quality of care delivered by the health care providers,  
22 including [~~department's monitoring activities must be limited to~~]  
23 investigating medical grievances, ensuring access to medical care,  
24 and conducting periodic operational reviews of medical care  
25 provided at its units.

26 (b) The department and the medical care providers shall  
27 cooperate in monitoring quality of care. The clinical and

1 professional resources of the health care providers shall be used  
2 to the greatest extent feasible for clinical oversight of quality  
3 of care issues. The department may require the health care  
4 providers to take corrective action if the care provided does not  
5 meet expectations as determined by quality of care monitoring.

6 (c) The department and the medical care providers shall  
7 communicate the results of their monitoring activities, including a  
8 list of and the status of any corrective actions required of the  
9 health care providers, to the committee and to the Texas Board of  
10 Criminal Justice.

11 SECTION 13. Subsections (a) and (b), Section 501.151,  
12 Government Code, are amended to read as follows:

13 (a) The committee shall maintain a file on each written  
14 complaint filed with the committee by a member of the general  
15 public. The file must include:

- 16 (1) the name of the person who filed the complaint;
- 17 (2) the date the complaint is received by the  
18 committee;
- 19 (3) the subject matter of the complaint;
- 20 (4) the name of each person contacted in relation to  
21 the complaint;
- 22 (5) a summary of the results of the review or  
23 investigation of the complaint; and
- 24 (6) an explanation of the reason the file was closed,  
25 if the committee closed the file without taking action other than to  
26 investigate the complaint.

27 (b) The committee shall make information available

1 describing its procedures for [~~provide to the person filing the~~  
2 ~~complaint and to each person who is a subject of the complaint a~~  
3 ~~copy of the committee's policies and procedures relating to~~]  
4 complaint investigation and resolution.

5 SECTION 14. Subchapter E, Chapter 501, Government Code, is  
6 amended by adding Sections 501.153, 501.154, and 501.155 to read as  
7 follows:

8 Sec. 501.153. ALTERNATIVE DISPUTE RESOLUTION. (a) The  
9 committee shall develop and implement a policy to encourage the use  
10 of appropriate alternative dispute resolution procedures under  
11 Chapter 2009 to assist in the resolution of internal and external  
12 disputes under the committee's jurisdiction.

13 (b) The committee's procedures relating to alternative  
14 dispute resolution must conform, to the extent possible, to any  
15 model guidelines issued by the State Office of Administrative  
16 Hearings for the use of alternative dispute resolution by state  
17 agencies.

18 (c) The committee shall designate a trained person to:

19 (1) coordinate the implementation of the policy  
20 adopted under Subsection (a);

21 (2) serve as a resource for any training needed to  
22 implement the procedures for alternative dispute resolution; and

23 (3) collect data concerning the effectiveness of those  
24 procedures, as implemented by the committee.

25 Sec. 501.154. USE OF TECHNOLOGY. The committee shall  
26 implement a policy requiring the committee to use appropriate  
27 technological solutions to improve the committee's ability to

1 perform its functions. The policy must ensure that the public is  
2 able to interact with the committee on the Internet.

3 Sec. 501.155. AVAILABILITY OF CORRECTIONAL HEALTH CARE  
4 INFORMATION TO THE PUBLIC. (a) The committee shall ensure that  
5 the following information is available to the public:

6 (1) contracts between the department, the committee,  
7 and health care providers, and other information concerning the  
8 contracts, including a description of the level, type, and variety  
9 of health care services available to inmates;

10 (2) the formulary used by correctional health care  
11 personnel in prescribing medication to inmates;

12 (3) correctional managed care policies and  
13 procedures;

14 (4) quality assurance statistics and data, to the  
15 extent permitted by law;

16 (5) general information concerning the costs  
17 associated with correctional health care, including at a minimum:

18 (A) quarterly and monthly financial reports; and

19 (B) aggregate cost information for:

20 (i) salaries and benefits;

21 (ii) equipment and supplies;

22 (iii) pharmaceuticals;

23 (iv) offsite medical services; and

24 (v) any other costs to the correctional  
25 health care system;

26 (6) aggregate statistical information concerning  
27 inmate deaths and the prevalence of disease among inmates;

1           (7) the process for the filing of inmate grievances  
2 concerning health care services provided to inmates;

3           (8) general statistics on the number and types of  
4 inmate grievances concerning health care services provided to  
5 inmates filed during the preceding quarter;

6           (9) contact information for a member of the public to  
7 submit an inquiry to or file a complaint with the department or a  
8 health care provider;

9           (10) information concerning the regulation and  
10 discipline of health care professionals, including contact  
11 information for the Health Professions Council and a link to the  
12 council's website;

13           (11) unit data regarding health care services,  
14 including hours of operation, available services, general  
15 information on health care staffing at the unit, statistics on an  
16 inmate's ability to access care at the unit in a timely manner, and,  
17 if the unit is accredited by a national accrediting body, the most  
18 recent accreditation review date; and

19           (12) dates and agendas for quarterly committee  
20 meetings and the minutes from previous committee meetings.

21           (b) The committee shall make the information described by  
22 Subsection (a) available on the committee's website and, on  
23 request, in writing. The committee shall cooperate with the  
24 department and the health care providers to ensure that the  
25 committee's website:

26           (1) is linked to the websites of the department and the  
27 health care providers;



1           (2) is accessible through the State of Texas website;  
2 and

3           (3) can be located through common search engines.

4           (c) In determining the specific information to be made  
5 available under this section, the committee shall cooperate with  
6 the department to ensure that public disclosure of the information  
7 would not pose a security threat to any individual or to the  
8 criminal justice system.

9           SECTION 15. Subchapter B, Chapter 507, Government Code, is  
10 amended by adding Section 507.028 to read as follows:

11           Sec. 507.028. SCREENING FOR AND EDUCATION CONCERNING FETAL  
12 ALCOHOL EXPOSURE DURING PREGNANCY. (a) The department shall  
13 establish and use a screening program in state jail felony  
14 facilities that is substantially similar to the program established  
15 and used by the department under Section 501.059.

16           (b) The department shall provide to all female defendants  
17 confined in state jail felony facilities an educational brochure  
18 describing the risks and dangers of consuming alcohol during  
19 pregnancy.

20           SECTION 16. Section 508.033, Government Code, is amended by  
21 amending Subsections (a) through (d) and adding Subsection (f) to  
22 read as follows:

23           (a) A person is not eligible for appointment as a member of  
24 the board or for employment as a parole commissioner if the person  
25 or the person's spouse:

26           (1) is employed by or participates in the management  
27 of a business entity or other organization receiving funds from the

1 department or the board;

2 (2) owns or controls, directly or indirectly, more  
3 than a 10-percent interest in a business entity or other  
4 organization:

5 (A) regulated by the department; or

6 (B) receiving funds from the department or the  
7 board; or

8 (3) uses or receives a substantial amount of tangible  
9 goods, services, or funds from the department or the board, other  
10 than compensation or reimbursement authorized by law for board  
11 membership, attendance, or expenses.

12 (b) In determining eligibility under Subsection (a)(3), the  
13 compensation or reimbursement that a board member's spouse or  
14 parole commissioner's spouse receives as an employee of the board  
15 or the department may not be considered. This subsection does not  
16 affect any restriction on employment or board membership imposed by  
17 any other law.

18 (c) A person may not serve as a parole commissioner, may not  
19 be a member of the board, and may not be an employee of the division  
20 or the board employed in a "bona fide executive, administrative, or  
21 professional capacity," as that phrase is used for purposes of  
22 establishing an exemption to the overtime provisions of the federal  
23 Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) and  
24 its subsequent amendments, if:

25 (1) the person is an officer, employee, or paid  
26 consultant of a Texas trade association in the field of criminal  
27 justice; or

1           (2) the person's spouse is an officer, manager, or paid  
2 consultant of a Texas trade association in the field of criminal  
3 justice.

4           (d) A person who is required to register as a lobbyist under  
5 Chapter 305 because of the person's activities for compensation in  
6 or on behalf of a profession related to the operation of the board  
7 may not:

8           (1) serve as a member of the board or as a parole  
9 commissioner; or

10           (2) act as the general counsel to the board or  
11 division.

12           (f) A person who is a current or former employee of the  
13 department may not serve as a parole commissioner before the second  
14 anniversary of the date the person's employment with the department  
15 ceases.

16           SECTION 17. Subsection (b), Section 508.036, Government  
17 Code, is amended to read as follows:

18           (b) The board shall:

19           (1) adopt rules relating to the decision-making  
20 processes used by the board and parole panels;

21           (2) prepare information of public interest describing  
22 the functions of the board and make the information available to the  
23 public and appropriate state agencies;

24           (3) comply with federal and state laws related to  
25 program and facility accessibility; ~~and~~

26           (4) prepare annually a complete and detailed written  
27 report that meets the reporting requirements applicable to

1 financial reporting provided in the General Appropriations Act and  
2 accounts for all funds received and disbursed by the board during  
3 the preceding fiscal year; and

4 (5) develop and implement policies that provide the  
5 public with a reasonable opportunity to appear before the board and  
6 to speak on any issue under the jurisdiction of the board, with the  
7 exception of an individual parole determination or clemency  
8 recommendation.

9 SECTION 18. Subchapter B, Chapter 508, Government Code, is  
10 amended by adding Sections 508.053, 508.054, and 508.055 to read as  
11 follows:

12 Sec. 508.053. USE OF TECHNOLOGY. The board shall implement  
13 a policy requiring the board to use appropriate technological  
14 solutions to improve the board's ability to perform its functions.  
15 The policy must ensure that the public is able to interact with the  
16 board on the Internet.

17 Sec. 508.054. RECORDS OF COMPLAINTS. (a) The board shall  
18 maintain a system to promptly and efficiently act on complaints  
19 filed with the board. The board shall maintain information about  
20 parties to the complaint, the subject matter of the complaint, a  
21 summary of the results of the review or investigation of the  
22 complaint, and its disposition.

23 (b) The board shall make information available describing  
24 its procedures for complaint investigation and resolution.

25 (c) The board shall periodically notify the complaint  
26 parties of the status of the complaint until final disposition.

27 (d) This section does not apply to a complaint about an

1 individual parole determination or clemency recommendation.

2 Sec. 508.055. NEGOTIATED RULEMAKING AND ALTERNATIVE  
3 DISPUTE RESOLUTION. (a) The board shall develop and implement a  
4 policy to encourage the use of:

5 (1) negotiated rulemaking procedures under Chapter  
6 2008 for the adoption of board rules; and

7 (2) appropriate alternative dispute resolution  
8 procedures under Chapter 2009 to assist in the resolution of  
9 internal disputes under the board's jurisdiction.

10 (b) The board's procedures relating to alternative dispute  
11 resolution must conform, to the extent possible, to any model  
12 guidelines issued by the State Office of Administrative Hearings  
13 for the use of alternative dispute resolution by state agencies.

14 (c) The board shall designate a trained person to:

15 (1) coordinate the implementation of the policy  
16 adopted under Subsection (a);

17 (2) serve as a resource for any training needed to  
18 implement the procedures for negotiated rulemaking or alternative  
19 dispute resolution; and

20 (3) collect data concerning the effectiveness of those  
21 procedures, as implemented by the board.

22 SECTION 19. Subdivision (1), Subsection (g), Section  
23 508.117, Government Code, is amended to read as follows:

24 (1) "Close relative of a deceased victim" means a  
25 person who was:

26 (A) the spouse of the victim at the time of the  
27 victim's death;

- 1 (B) a parent of the deceased victim; ~~[or]~~  
2 (C) an adult brother, sister, or child of the  
3 deceased victim; or  
4 (D) the nearest relative of the deceased victim  
5 by consanguinity, if the persons described by Paragraphs (A)  
6 through (C) are deceased or are incapacitated due to physical or  
7 mental illness or infirmity.

8 SECTION 20. Section 508.144, Government Code, is amended by  
9 amending Subsections (a) and (b) and adding Subsections (d), (e),  
10 and (f) to read as follows:

11 (a) The board shall:

12 (1) develop according to an acceptable research method  
13 the parole guidelines that are the basic criteria on which a parole  
14 decision is made;

15 (2) base the guidelines on the seriousness of the  
16 offense and the likelihood of a favorable parole outcome; and

17 (3) implement the guidelines~~[, and~~  
18 ~~[(4) review the guidelines periodically]~~.

19 (b) If a board member or parole commissioner deviates from  
20 the parole guidelines in voting on a parole decision, the member or  
21 parole commissioner shall:

22 (1) produce a ~~[brief]~~ written statement describing in  
23 detail the specific circumstances regarding the departure from the  
24 guidelines; ~~[and]~~

25 (2) place a copy of the statement in the file of the  
26 inmate for whom the parole decision was made; and

27 (3) provide a copy of the statement to the inmate.

1       (d) The board shall meet annually to review and discuss the  
2 parole guidelines developed under Subsection (a). The board may  
3 consult outside experts to assist with the review. The board must  
4 consider:

5           (1) how the parole guidelines serve the needs of  
6 parole decision-making;

7           (2) how well the parole guidelines reflect parole  
8 panel decisions; and

9           (3) how well parole guidelines predict successful  
10 parole outcomes.

11       (e) Based on the board's review of the parole guidelines  
12 under Subsection (d), the board may:

13           (1) update the guidelines by:

14                   (A) including new risk factors; or

15                   (B) changing the values of offense severity or  
16 risk factor scores; or

17           (2) modify the recommended parole approval rates under  
18 the guidelines, if parole approval rates differ significantly from  
19 the recommended rates.

20       (f) The board is not required to hold an open meeting to  
21 review the guidelines as required by Subsection (d), but any  
22 modifications or updates to the guidelines made by the board under  
23 Subsection (e) must occur in an open meeting.

24       SECTION 21. Subchapter E, Chapter 508, Government Code, is  
25 amended by adding Section 508.1445 to read as follows:

26       Sec. 508.1445. ANNUAL REPORT ON GUIDELINES REQUIRED.

27       (a) The board annually shall submit a report to the Criminal

1 Justice Legislative Oversight Committee, the lieutenant governor,  
2 the speaker of the house of representatives, and the presiding  
3 officers of the standing committees in the senate and house of  
4 representatives primarily responsible for criminal justice  
5 regarding the board's application of the parole guidelines adopted  
6 under Section 508.144.

7 (b) The report must include:

8 (1) a brief explanation of the parole guidelines,  
9 including how the board:

10 (A) defines the risk factors and offense severity  
11 levels; and

12 (B) determines the recommended parole approval  
13 rates for each guideline score;

14 (2) a comparison of the recommended approval rates  
15 under the parole guidelines to the actual approval rates for  
16 individual parole panel members, regional offices, and the state as  
17 a whole; and

18 (3) a description of instances in which the actual  
19 parole approval rates do not meet the recommended approval rates  
20 under the parole guidelines, an explanation of the variations, and  
21 a list of actions that the board has taken or will take to meet the  
22 guidelines.

23 SECTION 22. Subsection (c), Section 508.155, Government  
24 Code, is amended to read as follows:

25 (c) The division may allow a releasee to serve the remainder  
26 of the releasee's sentence without supervision and without being  
27 required to report if a parole supervisor at the regional level has



1 approved the releasee's early release from supervision under  
2 Section 508.1555[+:

3 ~~[(1) the releasee has been under supervision for at~~  
4 ~~least one-half of the time that remained on the releasee's sentence~~  
5 ~~when the releasee was released from imprisonment;~~

6 ~~[(2) during the period of supervision the releasee's~~  
7 ~~parole or release to mandatory supervision has not been revoked;~~  
8 ~~and~~

9 ~~[(3) the division determines:~~

10 ~~[(A) that the releasee has made a good faith~~  
11 ~~effort to comply with any restitution order imposed on the releasee~~  
12 ~~by a court; and~~

13 ~~[(B) that allowing the releasee to serve the~~  
14 ~~remainder of the releasee's sentence without supervision and~~  
15 ~~reporting is in the best interest of society].~~

16 SECTION 23. Subchapter E, Chapter 508, Government Code, is  
17 amended by adding Section 508.1555 to read as follows:

18 Sec. 508.1555. PROCEDURE FOR THE EARLY RELEASE FROM  
19 SUPERVISION OF CERTAIN RELEASEES. (a) A parole officer annually  
20 shall identify the releasees under the parole officer's supervision  
21 who are eligible for early release from supervision under Section  
22 508.155(c). A releasee is eligible for early release if:

23 (1) the releasee has been under supervision for at  
24 least one-half of the time that remained on the releasee's sentence  
25 when the releasee was released from imprisonment;

26 (2) during the preceding two-year period, the releasee  
27 has not committed any violation of the rules or conditions of

1 release;

2 (3) during the period of supervision the releasee's  
3 parole or release to mandatory supervision has not been revoked;  
4 and

5 (4) the division determines:

6 (A) that the releasee has made a good faith  
7 effort to comply with any restitution order imposed on the releasee  
8 by a court; and

9 (B) that allowing the releasee to serve the  
10 remainder of the releasee's sentence without supervision and  
11 reporting is in the best interest of society.

12 (b) After identifying any releasees who are eligible for  
13 early release under Subsection (a), the parole officer shall review  
14 the eligible releasees, including any releasees the parole officer  
15 has previously declined to recommend for early release, to  
16 determine if a recommendation for early release from supervision is  
17 appropriate. In conducting the review and determining  
18 recommendations, the parole officer shall consider whether the  
19 releasee:

20 (1) has a low risk of recidivism as determined by an  
21 assessment developed by the department; and

22 (2) has made a good faith effort to comply with the  
23 conditions of release.

24 (c) A parole officer shall forward to the parole supervisor  
25 at the regional level any recommendations for early release the  
26 parole officer makes under Subsection (b). If the parole  
27 supervisor approves the recommendation, the division shall allow a

1 releasee to serve the remainder of the releasee's sentence without  
2 supervision and without being required to report as authorized by  
3 Section 508.155.

4 SECTION 24. Section 509.011, Government Code, is amended by  
5 amending Subsections (a), (e), (f), and (g) and adding Subsection  
6 (f-1) to read as follows:

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

15 ~~[(1) for per capita funding, a per diem amount for each~~  
16 ~~felony defendant directly supervised by the department pursuant to~~  
17 ~~lawful authority;~~

18 ~~[(2) for per capita funding, a per diem amount for a~~  
19 ~~period not to exceed 182 days for each defendant supervised by the~~  
20 ~~department pursuant to lawful authority, other than a felony~~  
21 ~~defendant; and~~

22 ~~[(3) for formula funding, an annual amount as computed~~  
23 ~~by multiplying a percentage determined by the allocation formula~~  
24 ~~established] under Subsection (f) [times the total amount provided~~  
25 ~~in the General Appropriations Act for payments under this~~  
26 ~~subdivision].~~

27 (e) In establishing a funding formula under Subsection (f)

1 ~~[per diem payments authorized by Subsections (a)(1) and (a)(2)]~~,  
2 the division shall consider the amounts appropriated in the General  
3 Appropriations Act for basic supervision as sufficient to provide  
4 basic supervision in each year of the fiscal biennium.

5 (f) The division annually shall establish a funding  
6 ~~[compute for each department for community corrections program]~~  
7 formula to determine the [funding a] percentage of the total amount  
8 provided in the General Appropriations Act for payments to  
9 departments each department is entitled to receive. A formula  
10 established under this subsection:

11 (1) may assign different [determined by assigning  
12 ~~equal]~~ weights to factors relating to the characteristics of  
13 defendants supervised by a department, including:

14 (A) the number of felony and nonfelony defendants  
15 supervised by the department;

16 (B) the risk level of defendants supervised by  
17 the department;

18 (C) the level of supervision provided to  
19 defendants supervised by the department;

20 (D) the length of time defendants supervised by  
21 the department have been under the supervision of the department or  
22 another community supervision and corrections department;

23 (E) the percentage of the state's population  
24 residing in the counties served by the department; and

25 (F) the department's percentage of all felony  
26 defendants in the state under direct community supervision; and

27 (2) may not penalize a department based on declining

1 numbers of defendants supervised by the department if the declining  
2 numbers are directly attributable to an increasing number of  
3 defendants supervised by the department being discharged from  
4 community supervision.

5 (f-1) The division shall use the most recent information  
6 available in making calculations [~~computations~~] under Subsection  
7 (f) [~~this subsection~~]. The board by rule may adopt a policy  
8 limiting for all departments the percentage of benefit or loss that  
9 may be realized as a result of the operation of the funding formula.

10 (g) If the Texas Department of Criminal Justice determines  
11 that at the end of a biennium a department maintains in reserve an  
12 amount greater than six months' basic supervision operating costs  
13 for the department, the Texas Department of Criminal Justice in the  
14 succeeding biennium may reduce the amount of [~~per capita and~~  
15 ~~formula~~] funding provided under Subsection (a) so that in the  
16 succeeding biennium the department's reserves do not exceed six  
17 months' basic supervision operating costs. The Texas Department of  
18 Criminal Justice may adopt policies and standards permitting a  
19 department to maintain reserves in an amount greater than otherwise  
20 permitted by this subsection as necessary to cover emergency costs  
21 or implement new programs with the approval of the Texas Department  
22 of Criminal Justice. The Texas Department of Criminal Justice may  
23 distribute unallocated [~~per capita or formula~~] funds to provide  
24 supplemental funds to individual departments to further the  
25 purposes of this chapter.

26 SECTION 25. Subsection (a), Section 614.0032, Health and  
27 Safety Code, is amended to read as follows:

1           (a) The office shall perform duties imposed on the office by  
2 Section 508.146, Government Code, and Section 15(i), Article 42.12,  
3 Code of Criminal Procedure.

4           SECTION 26. (a) The Texas Department of Criminal Justice  
5 shall study the operation and maintenance of different types of  
6 electronic monitoring equipment. The study conducted under this  
7 subsection must examine:

8                   (1) the relative cost-effectiveness of using various  
9 types of electronic monitoring equipment and funding proposals for  
10 costs to the department associated with the various types of  
11 equipment;

12                   (2) the relative level of supervision provided by  
13 different types of electronic monitoring equipment; and

14                   (3) the different rehabilitation and treatment  
15 options afforded by different types of electronic monitoring  
16 equipment.

17           (b) Not later than December 1, 2009, the Texas Department of  
18 Criminal Justice shall submit a report summarizing the findings of  
19 the study conducted under Subsection (a) of this section to the  
20 governor, the lieutenant governor, the speaker of the house of  
21 representatives, and appropriate standing committees of the  
22 legislature.

23           SECTION 27. Section 76.019, Government Code, as added by  
24 this Act, applies to a defendant who is on community supervision and  
25 supervised by a community supervision and corrections department on  
26 or after the effective date of this Act, regardless of the date on  
27 which the defendant was originally placed on community supervision.

1           SECTION 28. (a) The speaker of the house of  
2 representatives and the lieutenant governor shall appoint members  
3 to the Criminal Justice Legislative Oversight Committee under  
4 Chapter 328, Government Code, as added by this Act, not later than  
5 January 1, 2008.

6           (b) Notwithstanding Section 328.003, Government Code, as  
7 added by this Act, the speaker of the house of representatives, not  
8 later than January 15, 2008, shall appoint a presiding officer for  
9 the Criminal Justice Legislative Oversight Committee. The  
10 presiding officer appointed by the speaker of the house of  
11 representatives under this section serves a one-year term that  
12 begins on February 1, 2008, and ends on February 1, 2009.

13          SECTION 29. Not later than March 1, 2008, the Texas  
14 Department of Criminal Justice shall establish the screening  
15 programs concerning fetal alcohol exposure under Sections 501.059  
16 and 507.028, Government Code, as added by this Act. Not later than  
17 September 1, 2008, the department shall begin screening all inmates  
18 or defendants confined in state jail felony facilities as required  
19 by those sections.

20          SECTION 30. The Texas Department of Criminal Justice shall  
21 ensure that information is made available to inmates as required by  
22 Section 501.064, Government Code, as added by this Act, not later  
23 than March 1, 2008.

24          SECTION 31. The Correctional Managed Health Care Committee  
25 shall ensure that information is made available to the public as  
26 required by Section 501.155, Government Code, as added by this Act,  
27 not later than January 1, 2008.

1           SECTION 32. Section 508.033, Government Code, as amended by  
2 this Act, applies only to a person hired by the Board of Pardons and  
3 Paroles as a parole commissioner on or after the effective date of  
4 this Act. A person hired as a parole commissioner before the  
5 effective date of this Act is covered by the law in effect on the  
6 date the person was hired, and the former law is continued in effect  
7 for that purpose.

8           SECTION 33. Subsection (b), Section 508.144, Government  
9 Code, as amended by this Act, applies only to a parole decision made  
10 on or after the effective date of this Act. A parole decision made  
11 before the effective date of this Act is covered by the law in  
12 effect on the date the decision was made, and the former law is  
13 continued in effect for that purpose.

14           SECTION 34. Not later than September 1, 2008, the Board of  
15 Pardons and Paroles shall hold its first annual meeting to review  
16 the parole guidelines as required by Subsection (d), Section  
17 508.144, Government Code, as added by this Act.

18           SECTION 35. Not later than December 1, 2008, the Board of  
19 Pardons and Paroles shall submit its first annual report on the  
20 parole guidelines as required by Section 508.1445, Government Code,  
21 as added by this Act.

22           SECTION 36. Subsection (c), Section 508.155, Government  
23 Code, as amended by this Act, applies to any person who is a  
24 releasee on or after the effective date of this Act and whose  
25 recommendation for release is approved under Section 508.1555,  
26 Government Code, as added by this Act, regardless of when the person  
27 was originally released to parole or mandatory supervision.



1           SECTION 37. Not later than September 1, 2008, each parole  
2 officer shall complete the officer's first annual identification of  
3 releasees under the officer's supervision who are eligible for  
4 early release from supervision, as required by Section 508.1555,  
5 Government Code, as added by this Act.

6           SECTION 38. (a) Not later than April 1, 2008, the  
7 community justice assistance division of the Texas Department of  
8 Criminal Justice shall establish the funding formula described by  
9 Subsection (f), Section 509.011, Government Code, as amended by  
10 this Act, that is to be used for the state fiscal year that begins on  
11 September 1, 2008.

12           (b) Subsections (a), (e), (f), and (g), Section 509.011,  
13 Government Code, as amended by this Act, and Subsection (f-1),  
14 Section 509.011, Government Code, as added by this Act, apply to  
15 appropriations made for a fiscal year that begins on or after  
16 September 1, 2008.

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