

By: Whitmire

S.B. No. 909

Substitute the following for S.B. No. 909:

By: Madden

C.S.S.B. No. 909

A BILL TO BE ENTITLED

1

AN ACT

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 8(a), Article 42.09, Code of Criminal
8 Procedure, is amended to read as follows:

9 (a) A county that transfers a defendant to the Texas
10 Department of Criminal Justice under this article shall deliver to
11 an officer designated by the department:

12 (1) a copy of the judgment entered pursuant to Article
13 42.01 of this code, completed on a standardized felony judgment
14 form described by Section 4 of that article;

15 (2) a copy of any order revoking community supervision
16 and imposing sentence pursuant to Section 23, Article 42.12, of
17 this code, including:

18 (A) any amounts owed for restitution, fines, and
19 court costs, completed on a standardized felony judgment form
20 described by Section 4, Article 42.01, of this code; and

21 (B) a copy of the client supervision plan
22 prepared for the defendant by the community supervision and
23 corrections department supervising the defendant, if such a plan
24 was prepared;

1 (3) a written report that states the nature and the
2 seriousness of each offense and that states the citation to the
3 provision or provisions of the Penal Code or other law under which
4 the defendant was convicted;

5 (4) a copy of the victim impact statement, if one has
6 been prepared in the case under Article 56.03 of this code;

7 (5) a statement as to whether there was a change in
8 venue in the case and, if so, the names of the county prosecuting
9 the offense and the county in which the case was tried;

10 (6) a copy of the record of arrest for each offense;

11 (7) if requested, information regarding the criminal
12 history of the defendant, including the defendant's state
13 identification number if the number has been issued;

14 (8) a copy of the indictment or information for each
15 offense;

16 (9) a checklist sent by the department to the county
17 and completed by the county in a manner indicating that the
18 documents required by this subsection and Subsection (c) of this
19 section accompany the defendant;

20 (10) if prepared, a copy of a presentence or
21 postsentence investigation report prepared under Section 9,
22 Article 42.12 of this code;

23 (11) a copy of any detainer, issued by an agency of the
24 federal government, that is in the possession of the county and that
25 has been placed on the defendant; ~~and~~

26 (12) if prepared, a copy of the defendant's Texas
27 Uniform Health Status Update Form; and

1 (13) a written description of a hold or warrant,
2 issued by any other jurisdiction, that the county is aware of and
3 that has been placed on or issued for the defendant.

4 SECTION 2. Section 15, Article 42.12, Code of Criminal
5 Procedure, is amended by adding Subsections (i), (j), and (k) to
6 read as follows:

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

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

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

22 (A) ensures appropriate supervision of the
23 defendant by the community supervision and corrections department;
24 and

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

27 (j) The Texas Correctional Office on Offenders with Medical

1 or Mental Impairments shall submit to a judge who releases a
2 defendant to an appropriate medical care facility under Subsection
3 (i) a quarterly status report concerning the defendant's medical
4 and treatment status.

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

9 SECTION 3. Section 20, Article 42.12, Code of Criminal
10 Procedure, is amended to read as follows:

11 Sec. 20. REDUCTION OR TERMINATION OF COMMUNITY SUPERVISION.

12 (a) At any time[~~7~~] after the defendant has satisfactorily
13 completed one-third of the original community supervision period or
14 two years of community supervision, whichever is less, the period
15 of community supervision may be reduced or terminated by the judge.
16 On completion of one-half of the original community supervision
17 period or two years of community supervision, whichever is more,
18 the judge shall review the recommendation made under Section
19 76.019, Government Code, by the community supervision and
20 corrections department supervising the defendant and determine
21 whether to reduce or terminate the defendant's period of community
22 supervision. If the judge determines that the defendant has failed
23 to satisfactorily fulfill the conditions of community supervision,
24 the judge shall advise the defendant in writing of the requirements
25 for satisfactorily fulfilling those conditions. Upon the
26 satisfactory fulfillment of the conditions of community
27 supervision, and the expiration of the period of community

1 supervision, the judge, by order duly entered, shall amend or
2 modify the original sentence imposed, if necessary, to conform to
3 the community supervision period and shall discharge the defendant.
4 If the judge discharges the defendant under this section, the judge
5 may set aside the verdict or permit the defendant to withdraw the
6 defendant's [~~his~~] plea, and shall dismiss the accusation,
7 complaint, information or indictment against the defendant, who
8 shall thereafter be released from all penalties and disabilities
9 resulting from the offense or crime of which the defendant [~~he~~] has
10 been convicted or to which the defendant [~~he~~] has pleaded guilty,
11 except that:

12 (1) proof of the conviction or plea of guilty shall be
13 made known to the judge should the defendant again be convicted of
14 any criminal offense; and

15 (2) if the defendant is an applicant for a license or
16 is a licensee under Chapter 42, Human Resources Code, the Health and
17 [~~Texas Department of~~] Human Services Commission may consider the
18 fact that the defendant previously has received community
19 supervision under this article in issuing, renewing, denying, or
20 revoking a license under that chapter.

21 (b) This section does not apply to a defendant convicted of
22 an offense under Sections 49.04-49.08, Penal Code, a defendant
23 convicted of an offense for which on conviction registration as a
24 sex offender is required under Chapter 62, or a defendant convicted
25 of a felony described by Section 3g [~~, as added by Chapter 668, Acts~~
26 ~~of the 75th Legislature, Regular Session, 1997, or a defendant~~
27 ~~convicted of an offense punishable as a state jail felony].~~

1 SECTION 4. Article 61.06(c), Code of Criminal Procedure, is
2 amended to read as follows:

3 (c) In determining whether information is required to be
4 removed from an intelligence database under Subsection (b), the
5 three-year period does not include any period during which the
6 individual who is the subject of the information is:

7 (1) confined in a correctional facility operated by or
8 under contract with the [institutional division or the state jail
9 division of the] Texas Department of Criminal Justice; or

10 (2) confined in a county jail in lieu of being confined
11 in a correctional facility operated by or under contract with the
12 Texas Department of Criminal Justice.

13 SECTION 5. Section 76.004, Government Code, is amended by
14 amending Subsection (a) and adding Subsection (h) to read as
15 follows:

16 (a) After complying with the requirements of Subsection
17 (h), the [The] judges described by Section 76.002 shall appoint a
18 department director who must meet, at a minimum, the eligibility
19 requirements for officers established under Section 76.005.

20 (h) When there is a vacancy in the position of department
21 director, the judges described by Section 76.002 shall:

22 (1) publicly advertise the position;

23 (2) post a job description, the qualifications for the
24 position, and the application requirements;

25 (3) conduct a competitive hiring process and adhere to
26 state and federal equal employment opportunity laws; and

27 (4) review applicants who meet the posted

1 qualifications and comply with the application requirements.

2 SECTION 6. Chapter 76, Government Code, is amended by
3 adding Section 76.019 to read as follows:

4 Sec. 76.019. RECOMMENDATIONS CONCERNING TERMINATION OF
5 COMMUNITY SUPERVISION. (a) In this section, "routine offender
6 assessment" means any regularly scheduled evaluation, assessment,
7 or reassessment of a defendant's progress in satisfactorily
8 completing the defendant's term of community supervision that is
9 conducted by the department supervising the defendant.

10 (b) During the first routine offender assessment conducted
11 after the date on which a defendant completes one-half of the
12 original community supervision period or two years of community
13 supervision, whichever is later, the department supervising the
14 defendant shall:

15 (1) determine whether the defendant:

16 (A) has satisfactorily fulfilled the conditions
17 of community supervision; and

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

21 (2) recommend to the court that placed the defendant
22 on community supervision whether the court should reduce the period
23 of community supervision or terminate community supervision and
24 discharge the defendant under Section 20, Article 42.12, Code of
25 Criminal Procedure.

26 (c) The department supervising the defendant may not
27 recommend to the court under Subsection (b)(2) that the court

1 reduce the defendant's period of community supervision or terminate
2 the defendant's community supervision and discharge the defendant
3 if the defendant:

4 (1) has not completed court-ordered counseling or
5 treatment; or

6 (2) is delinquent in paying any fees, fines, court
7 costs, or restitution that:

8 (A) the court ordered the defendant to pay as a
9 condition of community supervision; and

10 (B) the department determines the defendant has
11 the ability to pay.

12 SECTION 7. The heading to Subtitle C, Title 3, Government
13 Code, is amended to read as follows:

14 SUBTITLE C. LEGISLATIVE AGENCIES AND OVERSIGHT COMMITTEES

15 SECTION 8. Subtitle C, Title 3, Government Code, is amended
16 by adding Chapter 328 to read as follows:

17 CHAPTER 328. CRIMINAL JUSTICE LEGISLATIVE OVERSIGHT COMMITTEE

18 Sec. 328.001. DEFINITION. In this chapter, "committee"
19 means the Criminal Justice Legislative Oversight Committee.

20 Sec. 328.002. ESTABLISHMENT; COMPOSITION. (a) The Criminal
21 Justice Legislative Oversight Committee is established to provide
22 objective research, analysis, and recommendations to help guide
23 state criminal justice policies.

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

25 (1) the chair of the Senate Committee on Criminal
26 Justice;

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

1 (3) two members of the senate appointed by the
2 lieutenant governor; and

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

5 (c) An appointed member of the committee serves at the
6 pleasure of the appointing official.

7 Sec. 328.003. PRESIDING OFFICER; TERM. (a) The lieutenant
8 governor and the speaker of the house of representatives shall
9 appoint the presiding officer of the committee on an alternating
10 basis.

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

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

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

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

19 (B) an identification of critical problems in the
20 criminal justice system; and

21 (C) a determination of the long-range needs of
22 the criminal justice system;

23 (2) recommend to the legislature:

24 (A) strategies to solve the problems identified
25 under Subdivision (1)(B); and

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

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

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

6 (1) Subchapter B, Chapter 301;

7 (2) the rules of the senate and the house of
8 representatives; and

9 (3) policies of the senate and house committees on
10 administration.

11 Sec. 328.005. MEETINGS. The committee shall meet at the
12 call of the presiding officer.

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

18 Sec. 328.007. REPORT. Not later than January 1 of each
19 odd-numbered year, the committee shall submit to the legislature a
20 report that contains the recommendations described by Section
21 328.004(a)(2).

22 SECTION 9. Section 492.012, Government Code, is amended to
23 read as follows:

24 Sec. 492.012. SUNSET PROVISION. The Texas Board of
25 Criminal Justice and the Texas Department of Criminal Justice are
26 subject to Chapter 325 (Texas Sunset Act). Unless continued in
27 existence as provided by that chapter, the board and the department

1 are abolished September 1, 2011 [~~September 1, 2007~~].

2 SECTION 10. Chapter 492, Government Code, is amended by
3 adding Sections 492.0125, 492.015, and 492.016 to read as follows:

4 Sec. 492.0125. COMPLIANCE WITH SUNSET RECOMMENDATIONS. (a)
5 The department shall:

6 (1) comply with and implement the management action
7 recommendations regarding the department adopted by the Sunset
8 Advisory Commission on January 10, 2007, as a result of its review
9 of the department; 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 department's implementation of
13 the recommendations under Subdivision (1).

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

15 Sec. 492.015. USE OF TECHNOLOGY. The board shall implement
16 a policy requiring the department to use appropriate technological
17 solutions to improve the department's ability to perform its
18 functions. The policy must ensure that the public is able to
19 interact with the department on the Internet.

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

23 (1) negotiated rulemaking procedures under Chapter
24 2008 for the adoption of department rules; and

25 (2) appropriate alternative dispute resolution
26 procedures under Chapter 2009 to assist in the resolution of
27 internal and external disputes under the department's

1 jurisdiction.

2 (b) The department's procedures relating to alternative
3 dispute resolution must conform, to the extent possible, to any
4 model guidelines issued by the State Office of Administrative
5 Hearings for the use of alternative dispute resolution by state
6 agencies.

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

8 (1) coordinate the implementation of the policy
9 adopted under Subsection (a);

10 (2) serve as a resource for any training needed to
11 implement the procedures for negotiated rulemaking or alternative
12 dispute resolution; and

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

15 SECTION 11. Chapter 493, Government Code, is amended by
16 adding Section 493.0151 to read as follows:

17 Sec. 493.0151. DYNAMIC RISK ASSESSMENT OF SEX OFFENDERS.

18 (a) For purposes of this section, "sexual offense" means a criminal
19 offense the conviction of which requires a person to register as a
20 sex offender under Chapter 62, Code of Criminal Procedure.

21 (b) Before an inmate who is serving a sentence for a sexual
22 offense is discharged or is released on parole or mandatory
23 supervision from the department, the department shall use the
24 dynamic risk assessment tool developed by the Council on Sex
25 Offender Treatment under Section 110.164, Occupations Code, to
26 assign the inmate a risk level of low, medium, or high.

27 (c) The department shall conduct the risk assessment

1 required by this section in addition to any other risk assessment
2 the department is required to conduct.

3 SECTION 12. Chapter 493, Government Code, is amended by
4 adding Section 493.026 to read as follows:

5 Sec. 493.026. CERTAIN INTERAGENCY COMMUNICATIONS
6 PROHIBITED. The department, regardless of available capacity in
7 the program, may not prohibit a parole panel from, or request a
8 parole panel to refrain from, requiring an inmate to participate in
9 and complete a treatment program operated by the department before
10 the inmate is released on parole.

11 SECTION 13. Chapter 493, Government Code, is amended by
12 adding Section 493.027 to read as follows:

13 Sec. 493.027. MANAGEMENT-EMPLOYEE MEETINGS. (a) The
14 director of the department shall meet regularly with
15 representatives of an eligible state employee organization, as
16 certified by the comptroller under Section 403.0165, that
17 represents department employees in disciplinary or grievance
18 matters to identify:

19 (1) department policies or practices that impair the
20 efficient, safe, and effective operation of department facilities;
21 and

22 (2) issues that could lead to unnecessary conflicts
23 between the department and department employees and that could
24 undermine retention and recruitment of those employees.

25 (b) The director annually shall submit a report to the
26 Criminal Justice Legislative Oversight Committee on the outcome of
27 meetings held under this section. The report must:

1 (1) be signed by the director and each representative
2 of an employee organization described by Subsection (a) that
3 participates in the meetings; and

4 (2) include a statement from each party regarding the
5 impact of the meetings on the recruitment and retention of
6 department employees and on employee morale.

7 SECTION 14. Section 494.008, Government Code, is amended by
8 amending Subsection (b) and adding Subsection (b-1) to read as
9 follows:

10 (b) The department may allow employees who are granted law
11 enforcement authority under this section to assist municipal,
12 county, state, or federal law enforcement [~~peace~~] officers [~~in any~~
13 ~~county of the state~~] if:

14 (1) the assistance is requested for an emergency
15 situation that presents an immediate or potential threat to public
16 safety if assistance is not received, including [~~the purpose of~~]
17 apprehending an escapee of a municipal or county jail or privately
18 operated or federal correctional facility; and

19 (2) [if] the department determines that the assistance
20 will not jeopardize the safety and security of the department and
21 its personnel.

22 (b-1) An employee who assists under Subsection (b) a law
23 enforcement [~~peace~~] officer in the performance of the officer's
24 duties has the same powers and duties as the officer requesting
25 assistance.

26 SECTION 15. Sections 497.006(b) and (c), Government Code,
27 are amended to read as follows:

1 (b) With the approval of the board, the office may enter
2 into a contract with a private business to conduct a program on or
3 off property operated by the department. Except as provided by
4 Subsection (c), a contract entered into under this section must
5 comply with all requirements of the Private Sector/Prison Industry
6 Enhancement Certification Program operated by the Bureau of Justice
7 Assistance and authorized by 18 U.S.C. Section 1761. In
8 determining under Section 497.062 the number of participants
9 participating in private sector prison industries programs, the
10 department shall count the number of work program participants
11 participating in a program under a contract entered into under this
12 section. Not more than 700 [~~500~~] work program participants may
13 participate in programs under contracts entered into under this
14 subsection.

15 (c) A contract for the provision of services under this
16 section must:

17 (1) be certified by the Private Sector Prison
18 Industries Oversight Authority as complying with all requirements
19 of the Private Sector/Prison Industry Enhancement Certification
20 Program operated by the Bureau of Justice Assistance and authorized
21 by 18 U.S.C. Section 1761, other than a requirement relating to the
22 payment of prevailing wages, so long as the contract requires
23 payment of not less than the federal minimum wage;

24 (2) be certified by the authority, under rules adopted
25 under Section 497.059, that the contract would not cause the loss of
26 existing jobs of a specific type provided by the contracting party
27 in this state; and

1 (3) be approved by the board.

2 SECTION 16. Subchapter B, Chapter 501, Government Code, is
3 amended by adding Sections 501.059 and 501.064 to read as follows:

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

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

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

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

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

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

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

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

23 (c) The department shall provide:

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

27 (2) an educational brochure describing the risks and

1 dangers of consuming alcohol during pregnancy to all female
2 inmates.

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

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

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

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

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

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

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

25 SECTION 18. Subchapter E, Chapter 501, Government Code, is
26 amended by adding Section 501.1325 to read as follows:

27 Sec. 501.1325. COMPLIANCE WITH SUNSET RECOMMENDATIONS. (a)

1 The committee, The University of Texas Medical Branch at Galveston,
2 and the Texas Tech University Health Sciences Center shall:

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

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

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

14 SECTION 19. Section 501.137, Government Code, is amended to
15 read as follows:

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

21 SECTION 20. Section 501.148(a), Government Code, is amended
22 to read as follows:

23 (a) The committee shall:

24 (1) develop statewide policies for the delivery of
25 correctional health care;

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

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

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

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

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

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

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

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

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

24 or

25 (B) The University of Texas Medical Branch at
26 Galveston and the Texas Tech University Health Sciences Center;

27 (7) address problems found through monitoring

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

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

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

13 SECTION 21. Section 501.150, Government Code, is amended to
14 read as follows:

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

24 (b) The department and the medical care providers shall
25 cooperate in monitoring quality of care. The clinical and
26 professional resources of the health care providers shall be used
27 to the greatest extent feasible for clinical oversight of quality

1 of care issues. The department may require the health care
2 providers to take corrective action if the care provided does not
3 meet expectations as determined by quality of care monitoring.

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

9 SECTION 22. Sections 501.151(a) and (b), Government Code,
10 are amended to read as follows:

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

14 (1) the name of the person who filed the complaint;

15 (2) the date the complaint is received by the
16 committee;

17 (3) the subject matter of the complaint;

18 (4) the name of each person contacted in relation to
19 the complaint;

20 (5) a summary of the results of the review or
21 investigation of the complaint; and

22 (6) an explanation of the reason the file was closed,
23 if the committee closed the file without taking action other than to
24 investigate the complaint.

25 (b) The committee shall make information available
26 describing its procedures for [~~provide to the person filing the~~
27 ~~complaint and to each person who is a subject of the complaint a~~

1 ~~copy of the committee's policies and procedures relating to]~~
2 complaint investigation and resolution.

3 SECTION 23. Subchapter E, Chapter 501, Government Code, is
4 amended by adding Sections 501.153, 501.154, and 501.155 to read as
5 follows:

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

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

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

17 (1) coordinate the implementation of the policy
18 adopted under Subsection (a);

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

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

23 Sec. 501.154. USE OF TECHNOLOGY. The committee shall
24 implement a policy requiring the committee to use appropriate
25 technological solutions to improve the committee's ability to
26 perform its functions. The policy must ensure that the public is
27 able to interact with the committee on the Internet.

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

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

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

10 (3) correctional managed care policies and
11 procedures;

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

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

16 (A) quarterly and monthly financial reports; and

17 (B) aggregate cost information for:

18 (i) salaries and benefits;

19 (ii) equipment and supplies;

20 (iii) pharmaceuticals;

21 (iv) offsite medical services; and

22 (v) any other costs to the correctional
23 health care system;

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

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

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

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

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

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

17 (12) dates and agendas for quarterly committee
18 meetings and the minutes from previous committee meetings.

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

24 (1) is linked to the websites of the department and the
25 health care providers;

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

27 and

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

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

7 SECTION 24. Subchapter B, Chapter 507, Government Code, is
8 amended by adding Section 507.028 to read as follows:

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

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

18 SECTION 25. Section 508.033, Government Code, is amended by
19 amending Subsections (a), (b), (c), and (d) and adding Subsection
20 (f) to read as follows:

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

24 (1) is employed by or participates in the management
25 of a business entity or other organization receiving funds from the
26 department or the board;

27 (2) owns or controls, directly or indirectly, more

1 than a 10-percent interest in a business entity or other
2 organization:

3 (A) regulated by the department; or

4 (B) receiving funds from the department or the
5 board; or

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

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

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

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

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

1 justice.

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

6 (1) serve as a member of the board or as a parole
7 commissioner; or

8 (2) act as the general counsel to the board or
9 division.

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

14 SECTION 26. Section 508.036(b), Government Code, is amended
15 to read as follows:

16 (b) The board shall:

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

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

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

24 (4) prepare annually a complete and detailed written
25 report that meets the reporting requirements applicable to
26 financial reporting provided in the General Appropriations Act and
27 accounts for all funds received and disbursed by the board during

1 the preceding fiscal year; and

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

7 SECTION 27. Section 508.036, Government Code, is amended by
8 adding Subsection (e) to read as follows:

9 (e) The board, in accordance with the rules and procedures
10 of the Legislative Budget Board, shall prepare, approve, and submit
11 a legislative appropriations request that is separate from the
12 legislative appropriations request for the department and is used
13 to develop the board's budget structure. The board shall maintain
14 the board's legislative appropriations request and budget
15 structure separately from those of the department.

16 SECTION 28. Subchapter B, Chapter 508, Government Code, is
17 amended by adding Sections 508.053, 508.054, and 508.055 to read as
18 follows:

19 Sec. 508.053. USE OF TECHNOLOGY. The board shall implement
20 a policy requiring the board to use appropriate technological
21 solutions to improve the board's ability to perform its functions.
22 The policy must ensure that the public is able to interact with the
23 board on the Internet.

24 Sec. 508.054. RECORDS OF COMPLAINTS. (a) The board shall
25 maintain a system to promptly and efficiently act on complaints
26 filed with the board. The board shall maintain information about
27 parties to the complaint, the subject matter of the complaint, a

1 summary of the results of the review or investigation of the
2 complaint, and its disposition.

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

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

7 (d) This section does not apply to a complaint about an
8 individual parole determination or clemency recommendation.

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

12 (1) negotiated rulemaking procedures under Chapter
13 2008 for the adoption of board rules; and

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

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

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

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

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

27 (3) collect data concerning the effectiveness of those

1 procedures, as implemented by the board.

2 SECTION 29. Subchapter D, Chapter 508, Government Code, is
3 amended by adding Section 508.1131 to read as follows:

4 Sec. 508.1131. SALARY CAREER LADDER FOR PAROLE OFFICERS.

5 (a) The executive director shall adopt a salary career ladder for
6 parole officers. The salary career ladder must base a parole
7 officer's salary on the officer's classification and years of
8 service with the department.

9 (b) For purposes of the salary schedule, the department
10 shall classify all parole officer positions as Parole Officer I,
11 Parole Officer II, Parole Officer III, Parole Officer IV, or Parole
12 Officer V.

13 (c) Under the salary career ladder adopted under Subsection
14 (a), a parole officer to whom the schedule applies and who received
15 an overall evaluation of at least satisfactory in the officer's
16 most recent annual evaluation is entitled to an annual salary
17 increase, during each of the officer's first 10 years of service in
18 a designated parole officer classification as described by
19 Subsection (b), equal to one-tenth of the difference between:

20 (1) the officer's current annual salary; and
21 (2) the minimum annual salary of a parole officer in
22 the next highest classification.

23 SECTION 30. Section 508.117(g)(1), Government Code, is
24 amended to read as follows:

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

27 (A) the spouse of the victim at the time of the

1 victim's death;

2 (B) a parent of the deceased victim; ~~[or]~~

3 (C) an adult brother, sister, or child of the
4 deceased victim; or

5 (D) the nearest relative of the deceased victim
6 by consanguinity, if the persons described by Paragraphs (A)
7 through (C) are deceased or are incapacitated due to physical or
8 mental illness or infirmity.

9 SECTION 31. Section 508.144, Government Code, is amended by
10 amending Subsections (a) and (b) and adding Subsections (d), (e),
11 and (f) to read as follows:

12 (a) The board shall:

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

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

18 (3) ensure that the guidelines require consideration
19 of an inmate's progress in any programs in which the inmate
20 participated during the inmate's term of confinement; and

21 (4) implement the guidelines~~[, and~~
22 ~~[(4) review the guidelines periodically].~~

23 (b) If a board member or parole commissioner deviates from
24 the parole guidelines in voting on a parole decision, the member or
25 parole commissioner shall:

26 (1) produce a ~~[brief]~~ written statement describing in
27 detail the specific circumstances regarding the departure from the

1 guidelines; ~~and~~

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

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

5 (d) The board shall meet annually to review and discuss the
6 parole guidelines developed under Subsection (a). The board may
7 consult outside experts to assist with the review. The board must
8 consider:

9 (1) how the parole guidelines serve the needs of
10 parole decision-making;

11 (2) how well the parole guidelines reflect parole
12 panel decisions; and

13 (3) how well parole guidelines predict successful
14 parole outcomes.

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

17 (1) update the guidelines by:

18 (A) including new risk factors; or

19 (B) changing the values of offense severity or
20 risk factor scores; or

21 (2) modify the recommended parole approval rates under
22 the guidelines, if parole approval rates differ significantly from
23 the recommended rates.

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

1 SECTION 32. Subchapter E, Chapter 508, Government Code, is
2 amended by adding Section 508.1445 to read as follows:

3 Sec. 508.1445. ANNUAL REPORT ON GUIDELINES REQUIRED. (a)
4 The board annually shall submit a report to the Criminal Justice
5 Legislative Oversight Committee, the lieutenant governor, the
6 speaker of the house of representatives, and the presiding officers
7 of the standing committees in the senate and house of
8 representatives primarily responsible for criminal justice
9 regarding the board's application of the parole guidelines adopted
10 under Section 508.144.

11 (b) The report must include:

12 (1) a brief explanation of the parole guidelines,
13 including how the board:

14 (A) defines the risk factors and offense severity
15 levels; and

16 (B) determines the recommended parole approval
17 rates for each guideline score;

18 (2) a comparison of the recommended approval rates
19 under the parole guidelines to the actual approval rates for
20 individual parole panel members, regional offices, and the state as
21 a whole; and

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

27 SECTION 33. Section 508.155(c), Government Code, is amended

1 to read as follows:

2 (c) The division may allow a releasee to serve the remainder
3 of the releasee's sentence without supervision and without being
4 required to report if a parole supervisor at the regional level has
5 approved the releasee's early release from supervision under
6 Section 508.1555[+

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

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

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

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

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

20 SECTION 34. Subchapter E, Chapter 508, Government Code, is
21 amended by adding Section 508.1555 to read as follows:

22 Sec. 508.1555. PROCEDURE FOR THE EARLY RELEASE FROM
23 SUPERVISION OF CERTAIN RELEASEES. (a) A parole officer annually
24 shall identify the releasees under the parole officer's supervision
25 who are eligible for early release from supervision under Section
26 508.155(c). A releasee is eligible for early release if:

27 (1) the releasee has been under supervision for at

1 least one-half of the time that remained on the releasee's sentence
2 when the releasee was released from imprisonment;

3 (2) during the preceding two-year period, the releasee
4 has not committed any violation of the rules or conditions of
5 release;

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

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

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

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

1 (c) A parole officer shall forward to the parole supervisor
2 at the regional level any recommendations for early release the
3 parole officer makes under Subsection (b). If the parole
4 supervisor approves the recommendation, the division shall allow a
5 releasee to serve the remainder of the releasee's sentence without
6 supervision and without being required to report as authorized by
7 Section 508.155.

8 SECTION 35. Section 509.011, Government Code, is amended by
9 amending Subsections (a) and (e) and adding Subsections (i) and (j)
10 to read as follows:

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

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

19 (A) each felony defendant placed on community
20 supervision and ~~directly~~ supervised by the department pursuant to
21 lawful authority; and

22 (B) each felony defendant participating in a
23 pretrial program and supervised by the department pursuant to
24 lawful authority;

25 (2) for per capita funding, a per diem amount for a
26 period not to exceed 182 days for each misdemeanor defendant placed
27 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 annually 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 Subsections (a)(1) and (2). With reference to
17 funding distributed under Section (a)(1)(A), the formula must
18 include:

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

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

1 (3) awards in per capita funding with respect to each
2 felony defendant supervised by a department who is discharged
3 following an early termination of community supervision under
4 Section 5 or Section 20, Article 42.12, Code of Criminal Procedure,
5 as applicable.

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

10 SECTION 36. Subchapter B, Chapter 659, Government Code, is
11 amended by adding Section 659.0155 to read as follows:

12 Sec. 659.0155. PAYMENT TO EMPLOYEES OF TEXAS DEPARTMENT OF
13 CRIMINAL JUSTICE FOR OVERTIME. The Texas Department of Criminal
14 Justice shall compensate a person employed by the department for
15 any overtime accrued by the employee for which the employee is
16 entitled to compensation under Section 659.015 by not later than
17 the date the department compensates employees at the regular rate
18 of pay for the period in which the employee accrued the overtime.

19 SECTION 37. Section 614.0032(a), Health and Safety Code, is
20 amended to read as follows:

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

24 SECTION 38. Subchapter D, Chapter 110, Occupations Code, is
25 amended by adding Section 110.164 to read as follows:

26 Sec. 110.164. DYNAMIC RISK ASSESSMENT TOOL. (a) The
27 council shall develop or adopt a dynamic risk assessment tool to be

1 used in determining the likelihood that a person who is confined in
2 a penal institution and will become subject to Chapter 62, Code of
3 Criminal Procedure, on being released from the institution will
4 commit an offense described by Article 62.001(5), Code of Criminal
5 Procedure, after being released from the institution.

6 (b) The dynamic risk assessment tool must enable the
7 assignment to a person of a risk level of low, medium, or high.

8 SECTION 39. Section 110.302(c), Occupations Code, is
9 amended to read as follows:

10 (c) The [~~Texas Board of Criminal Justice or the~~] governing
11 board of the Texas Youth Commission may vote to exempt employees of
12 the [~~Texas Department of Criminal Justice or the~~] Texas Youth
13 Commission[~~, as appropriate,~~] from a specific licensing
14 requirement imposed under this section if the board determines that
15 the requirement causes financial or operational hardship on the
16 agency. The Texas Board of Criminal Justice may not exempt any
17 employee of the Texas Department of Criminal Justice from a
18 licensing requirement imposed by this section for any reason.

19 SECTION 40. Section 721.003(a), Transportation Code, is
20 amended to read as follows:

21 (a) The governing bodies of the following state agencies or
22 divisions by rule may exempt from the requirements of Section
23 721.002 a motor vehicle that is under the control and custody of the
24 agency or division:

- 25 (1) Texas Commission on Fire Protection;
- 26 (2) Texas State Board of Pharmacy;
- 27 (3) [~~Texas~~] Department of State Health Services and

1 Department of Aging and Disability Services [~~Mental Health and~~
2 ~~Mental Retardation~~];

3 (4) Department of Public Safety of the State of Texas;

4 (5) [~~the institutional division or the pardons and~~
5 ~~paroles division of the~~] Texas Department of Criminal Justice;

6 (6) Board of Pardons and Paroles;

7 (7) Parks and Wildlife Department;

8 (8) Railroad Commission of Texas;

9 (9) Texas Alcoholic Beverage Commission;

10 (10) Texas Department of Banking;

11 (11) [~~Savings and Loan~~] Department of Savings and
12 Mortgage Lending;

13 (12) Texas Juvenile Probation Commission;

14 (13) Texas [~~Natural Resource Conservation~~] Commission
15 on Environmental Quality;

16 (14) Texas Youth Commission;

17 (15) Texas Lottery Commission;

18 (16) the office of the attorney general;

19 (17) Texas Department of Insurance; and

20 (18) an agency that receives an appropriation under an
21 article of the General Appropriations Act that appropriates money
22 to the legislature.

23 SECTION 41. (a) The Texas Department of Criminal Justice
24 shall study the operation and maintenance of different types of
25 electronic monitoring equipment. The study conducted under this
26 subsection must examine:

27 (1) the relative cost-effectiveness of using various

1 types of electronic monitoring equipment and funding proposals for
2 costs to the department associated with the various types of
3 equipment;

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

6 (3) the different rehabilitation and treatment
7 options afforded by different types of electronic monitoring
8 equipment.

9 (b) Not later than December 1, 2009, the department shall
10 submit a report summarizing the findings of the study conducted
11 under Subsection (a) of this section to the governor, the
12 lieutenant governor, the speaker of the house of representatives,
13 and appropriate standing committees of the legislature.

14 SECTION 42. The change in law made by this Act to Section
15 8(a), Article 42.09, Code of Criminal Procedure, applies only to a
16 defendant transferred to the Texas Department of Criminal Justice
17 on or after the effective date of this Act. A defendant transferred
18 to the department before the effective date of this Act is covered
19 by the law in effect when the defendant is transferred, and the
20 former law is continued in effect for that purpose.

21 SECTION 43. The change in law made by this Act in amending
22 Section 20, Article 42.12, Code of Criminal Procedure, and adding
23 Section 76.019, Government Code, applies only to a defendant
24 initially placed on community supervision on or after the effective
25 date of this Act. A defendant initially placed on community
26 supervision before the effective date of this Act is governed by the
27 law in effect immediately before the effective date of this Act, and

1 the former law is continued in effect for that purpose.

2 SECTION 44. (a) The speaker of the house of representatives
3 and the lieutenant governor shall appoint members to the Criminal
4 Justice Legislative Oversight Committee under Chapter 328,
5 Government Code, as added by this Act, not later than January 1,
6 2008.

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

13 SECTION 45. Section 493.0151, Government Code, as added by
14 this Act, applies to an inmate discharged or released on parole or
15 mandatory supervision from the Texas Department of Criminal Justice
16 on or after the effective date of this Act, regardless of whether
17 the offense for which the inmate is serving a sentence was committed
18 before, on, or after the effective date of this Act.

19 SECTION 46. Not later than March 1, 2008, the Texas
20 Department of Criminal Justice shall establish the screening
21 programs concerning fetal alcohol exposure under Sections 501.059
22 and 507.028, Government Code, as added by this Act. Not later than
23 September 1, 2008, the department shall begin screening all inmates
24 or defendants confined in state jail felony facilities as required
25 by those sections.

26 SECTION 47. The Texas Department of Criminal Justice shall
27 ensure that information is made available to inmates as required by

1 Section 501.064, Government Code, as added by this Act, not later
2 than March 1, 2008.

3 SECTION 48. The Correctional Managed Health Care Committee
4 shall ensure that information is made available to the public as
5 required by Section 501.155, Government Code, as added by this Act,
6 not later than January 1, 2008.

7 SECTION 49. Section 508.033, Government Code, as amended by
8 this Act, applies only to a person hired by the Board of Pardons and
9 Paroles as a parole commissioner on or after the effective date of
10 this Act. A person hired as a parole commissioner before the
11 effective date of this Act is covered by the law in effect on the
12 date the person was hired, and the former law is continued in effect
13 for that purpose.

14 SECTION 50. As soon as practicable after the effective date
15 of this Act, but not later than the 30th day after that date, the
16 executive director of the Texas Department of Criminal Justice
17 shall adopt a salary career ladder for parole officers as required
18 by Section 508.1131, Government Code, as added by this Act.
19 Beginning the first day of the month following the date on which the
20 executive director adopts the salary career ladder, each parole
21 officer to whom the schedule applies and who received an overall
22 evaluation of at least satisfactory in the officer's most recent
23 annual evaluation is entitled to a salary in an amount that meets or
24 exceeds the amount specified in the schedule for the officer's
25 classification and years of service with the department.

26 SECTION 51. Section 508.144(b), Government Code, as amended
27 by this Act, applies only to a parole decision made on or after the

1 effective date of this Act. A parole decision made before the
2 effective date of this Act is covered by the law in effect on the
3 date the decision was made, and the former law is continued in
4 effect for that purpose.

5 SECTION 52. Not later than September 1, 2008, the Board of
6 Pardons and Paroles shall hold its first annual meeting to review
7 the parole guidelines as required by Section 508.144(d), Government
8 Code, as added by this Act.

9 SECTION 53. Not later than December 1, 2008, the Board of
10 Pardons and Paroles shall submit its first annual report on the
11 parole guidelines as required by Section 508.1445, Government Code,
12 as added by this Act.

13 SECTION 54. Section 508.155(c), Government Code, as amended
14 by this Act, applies to any person who is a releasee on or after the
15 effective date of this Act and whose recommendation for release is
16 approved under Section 508.1555, Government Code, as added by this
17 Act, regardless of when the person was originally released to
18 parole or mandatory supervision.

19 SECTION 55. Not later than September 1, 2008, each parole
20 officer shall complete the officer's first annual identification of
21 releasees under the officer's supervision who are eligible for
22 early release from supervision, as required by Section 508.1555,
23 Government Code, as added by this Act.

24 SECTION 56. (a) Not later than January 1, 2008, the
25 community justice assistance division of the Texas Department of
26 Criminal Justice shall establish the per capita funding formula
27 described by Section 509.011(i), Government Code, as added by this

1 Act, that is to be used for the state fiscal year beginning
2 September 1, 2008.

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

7 SECTION 57. This Act takes effect immediately if it
8 receives a vote of two-thirds of all the members elected to each
9 house, as provided by Section 39, Article III, Texas Constitution.
10 If this Act does not receive the vote necessary for immediate
11 effect, this Act takes effect September 1, 2007.