

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 Criminal
3 Justice Legislative Oversight Committee is established to provide
4 objective research, analysis, and recommendations to help guide
5 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 Finance Committee or the House Appropriations
19 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.

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

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

11 Sec. 492.012. SUNSET PROVISION. The Texas Board of
12 Criminal Justice and the Texas Department of Criminal Justice are
13 subject to Chapter 325 (Texas Sunset Act). Unless continued in
14 existence as provided by that chapter, the board and the department
15 are abolished September 1, 2019 [~~September 1, 2007~~].

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

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

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

26 (1) negotiated rulemaking procedures under Chapter
27 2008 for the adoption of department rules; and

1 (2) appropriate alternative dispute resolution
2 procedures under Chapter 2009 to assist in the resolution of
3 internal and external disputes under the department's
4 jurisdiction.

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

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

11 (1) coordinate the implementation of the policy
12 adopted under Subsection (a);

13 (2) serve as a resource for any training needed to
14 implement the procedures for negotiated rulemaking or alternative
15 dispute resolution; and

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

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

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

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

24 (2) sentenced to a term of confinement not to exceed
25 two years; and

26 (3) at risk for having a pregnancy with
27 alcohol-related complications, including giving birth to a child

1 with alcohol-related birth defects.

2 (b) The screening program established under Subsection (a)
3 must:

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

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

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

12 (c) The department shall provide:

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

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

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

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

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

27 (3) correctional managed care policies and

1 procedures; and

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

4 SECTION 8. Section 501.132, Government Code, is amended to
5 read as follows:

6 Sec. 501.132. APPLICATION OF SUNSET ACT. The Correctional
7 Managed Health Care Committee is subject to review under Chapter
8 325 (Texas Sunset Act) regarding the committee's role and
9 responsibilities. The committee shall be reviewed during the
10 period in which the Texas Department of Criminal Justice is
11 reviewed. [~~Unless continued in existence as provided by that~~
12 ~~chapter, the committee is abolished and this subchapter expires~~
13 ~~September 1, 2007.~~]

14 SECTION 9. 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 10. 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 11. 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 12. 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 13. 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 14. 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 15. 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 16. 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 17. Subchapter B, Chapter 508, Government Code, is
8 amended by adding Sections 508.053, 508.054, and 508.055 to read as
9 follows:

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

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

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

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

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

27 Sec. 508.055. NEGOTIATED RULEMAKING AND ALTERNATIVE

1 DISPUTE RESOLUTION. (a) The board shall develop and implement a
2 policy to encourage the use of:

3 (1) negotiated rulemaking procedures under Chapter
4 2008 for the adoption of board rules; and

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

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

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

13 (1) coordinate the implementation of the policy
14 adopted under Subsection (a);

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

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

20 SECTION 18. Section 508.117(g)(1), Government Code, is
21 amended to read as follows:

22 (1) "Close relative of a deceased victim" means a
23 person who was:

24 (A) the spouse of the victim at the time of the
25 victim's death;

26 (B) a parent of the deceased victim; ~~or~~

27 (C) an adult brother, sister, or child of the

1 deceased victim; or

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

6 SECTION 19. Section 508.144, Government Code, is amended by
7 amending Subsections (a) and (b) and adding Subsections (d), (e),
8 and (f) to read as follows:

9 (a) The board shall:

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

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

15 (3) implement the guidelines[~~, and~~
16 [~~(4) review the guidelines periodically~~].

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

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

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

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

26 (d) The board shall meet annually to review and discuss the
27 parole guidelines developed under Subsection (a). The board may

1 consult outside experts to assist with the review. The board must
2 consider:

3 (1) how the parole guidelines serve the needs of
4 parole decision-making;

5 (2) how well the parole guidelines reflect parole
6 panel decisions; and

7 (3) how well parole guidelines predict successful
8 parole outcomes.

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

11 (1) update the guidelines by:

12 (A) including new risk factors; or

13 (B) changing the values of offense severity or
14 risk factor scores; or

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

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

22 SECTION 20. Subchapter E, Chapter 508, Government Code, is
23 amended by adding Section 508.1445 to read as follows:

24 Sec. 508.1445. ANNUAL REPORT ON GUIDELINES REQUIRED. (a)

25 The board annually shall submit a report to the Criminal Justice
26 Legislative Oversight Committee, the lieutenant governor, the
27 speaker of the house of representatives, and the presiding officers

1 of the standing committees in the senate and house of
2 representatives primarily responsible for criminal justice
3 regarding the board's application of the parole guidelines adopted
4 under Section 508.144.

5 (b) The report must include:

6 (1) a brief explanation of the parole guidelines,
7 including how the board:

8 (A) defines the risk factors and offense severity
9 levels; and

10 (B) determines the recommended parole approval
11 rates for each guideline score;

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

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

21 SECTION 21. Section 508.155(c), Government Code, is amended
22 to read as follows:

23 (c) The division may allow a releasee to serve the remainder
24 of the releasee's sentence without supervision and without being
25 required to report if a parole supervisor at the regional level has
26 approved the releasee's early release from supervision under
27 Section 508.1555[+

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

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

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

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

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

14 SECTION 22. Subchapter E, Chapter 508, Government Code, is
15 amended by adding Section 508.1555 to read as follows:

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

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

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

27 (3) during the period of supervision the releasee's

1 parole or release to mandatory supervision has not been revoked;
2 and

3 (4) the division determines:

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

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

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

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

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

22 (c) A parole officer shall forward to the parole supervisor
23 at the regional level any recommendations for early release the
24 parole officer makes under Subsection (b). If the parole
25 supervisor approves the recommendation, the division shall allow a
26 releasee to serve the remainder of the releasee's sentence without
27 supervision and without being required to report as authorized by

1 Section 508.155.

2 SECTION 23. Section 509.011, Government Code, is amended by
3 amending Subsections (a), (e), (f), and (g) and adding Subsection
4 (f-1) to read as follows:

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

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

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

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

25 (e) In establishing a funding formula under Subsection (f)
26 ~~[establishing per diem payments authorized by Subsections (a)(1)~~
27 ~~and (a)(2)]~~, the division shall consider the amounts appropriated

1 in the General Appropriations Act for basic supervision as
2 sufficient to provide basic supervision in each year of the fiscal
3 biennium.

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

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

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

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

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

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

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

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

26 (2) may not penalize a department based on declining
27 numbers of defendants supervised by the department if the declining

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

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

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

25 SECTION 24. Section 614.0032(a), Health and Safety Code, is
26 amended to read as follows:

27 (a) The office shall perform duties imposed on the office by

1 Section 508.146, Government Code, and Section 15(i), Article 42.12,
2 Code of Criminal Procedure.

3 SECTION 25. (a) The Texas Department of Criminal Justice
4 shall study the operation and maintenance of different types of
5 electronic monitoring equipment. The study conducted under this
6 subsection must examine:

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

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

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

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

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

26 SECTION 27. (a) The speaker of the house of representatives
27 and the lieutenant governor shall appoint members to the Criminal

1 Justice Legislative Oversight Committee under Chapter 328,
2 Government Code, as added by this Act, not later than January 1,
3 2008.

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

10 SECTION 28. Not later than March 1, 2008, the Texas
11 Department of Criminal Justice shall establish the screening
12 programs concerning fetal alcohol exposure under Sections 501.059
13 and 507.028, Government Code, as added by this Act. Not later than
14 September 1, 2008, the department shall begin screening all inmates
15 or defendants confined in state jail felony facilities as required
16 by those sections.

17 SECTION 29. The Texas Department of Criminal Justice shall
18 ensure that information is made available to inmates as required by
19 Section 501.064, Government Code, as added by this Act, not later
20 than March 1, 2008.

21 SECTION 30. The Correctional Managed Health Care Committee
22 shall ensure that information is made available to the public as
23 required by Section 501.155, Government Code, as added by this Act,
24 not later than January 1, 2008.

25 SECTION 31. Section 508.033, Government Code, as amended by
26 this Act, applies only to a parole commissioner hired by the Board
27 of Pardons and Paroles as a parole commissioner on or after the

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

5 SECTION 32. Section 508.144(b), Government Code, as amended
6 by this Act, applies only to a parole decision made on or after the
7 effective date of this Act. A parole decision made before the
8 effective date of this Act is covered by the law in effect on the
9 date the decision was made, and the former law is continued in
10 effect for that purpose.

11 SECTION 33. Not later than September 1, 2008, the Board of
12 Pardons and Paroles shall hold its first annual meeting to review
13 the parole guidelines as required by Section 508.144(d), Government
14 Code, as added by this Act.

15 SECTION 34. Not later than December 1, 2008, the Board of
16 Pardons and Paroles shall submit its first annual report on the
17 parole guidelines as required by Section 508.1445, Government Code,
18 as added by this Act.

19 SECTION 35. Section 508.155(c), Government Code, as amended
20 by this Act, applies to any person who is a releasee on or after the
21 effective date of this Act and whose recommendation for release is
22 approved under Section 508.1555, Government Code, as added by this
23 Act, regardless of when the person was originally released to
24 parole or mandatory supervision.

25 SECTION 36. Not later than September 1, 2008, each parole
26 officer shall complete the officer's first annual identification of
27 releasees under the officer's supervision who are eligible for

1 early release from supervision, as required by Section 508.1555,
2 Government Code, as added by this Act.

3 SECTION 37. (a) Not later than April 1, 2008, the community
4 justice assistance division of the Texas Department of Criminal
5 Justice shall establish the funding formula described by Section
6 509.011(f), Government Code, as amended by this Act, that is to be
7 used for the state fiscal year that begins on September 1, 2008.

8 (b) Sections 509.011(a), (e), (f), and (g), Government
9 Code, as amended by this Act, and Section 509.011(f-1), Government
10 Code, as added by this Act, apply to appropriations made for a
11 fiscal year that begins on or after September 1, 2008.

12 SECTION 38. This Act takes effect immediately if it
13 receives a vote of two-thirds of all the members elected to each
14 house, as provided by Section 39, Article III, Texas Constitution.
15 If this Act does not receive the vote necessary for immediate
16 effect, this Act takes effect September 1, 2007.