

BILL ANALYSIS

C.S.H.B. 1711
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Each year, more than 70,000 inmates leave prison and return to Texas communities, where they are faced with a lack of the services and structure essential to their successful reintegration into society. Furthermore, many inmates are released into the community without the skills and tools necessary to support themselves, which significantly contributes to the state's high rates of recidivism. Programs that effectively assist the transition of former inmates from prison to our communities are critical to enabling those inmates to practice positive social skills and responsible living, while also boosting Texas' efforts to improve public safety.

C.S.H.B. 1711 provides for the creation of an effective, comprehensive, and successful statewide reintegration program for offenders who are released from correctional facilities and transitioning back into the community. The bill requires the reintegration plan to establish better service coordination, a more comprehensive intake assessment plan which includes individualized in-prison programming, the encouragement of family interaction during and after incarceration, and assistance for individuals in obtaining necessary documentation and proper housing upon release.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1711 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ) to develop and implement, not later than January 1, 2010, a comprehensive plan to reduce recidivism and ensure the successful reentry and reintegration of offenders into the community following an offender's release or discharge from a correctional facility. The bill requires the reentry and reintegration plan to provide for an assessment of each offender entering a correctional facility to determine which skills the offender needs to develop to be successful in the community following release or discharge; programs that address the assessed needs of each offender; a comprehensive network of transition programs to address the needs of offenders released or discharged from a correctional facility; the identification of providers of existing local programs and transitional services with whom TDCJ contracts under the bill's provisions to implement the reentry and reintegration plan; and the sharing of information between local coordinators, persons with whom TDCJ contracts under the bill's provisions, and other providers of services as necessary to adequately assess and address the needs of each offender. The bill authorizes an offender's personal health information to be disclosed, for purposes of the sharing of information between those persons and providers only if the offender consents to the disclosure and the disclosure does not violate the federal Health Insurance Portability and Accountability Act of 1996 or other state or federal law. The bill requires the programs contained in the plan:

- to be implemented by highly skilled staff who are experienced in working with inmate reentry and reintegration programs;
- to provide offenders with individualized case management and a full continuum of care; life-skills training, including information about budgeting, money management, nutrition, and exercise; education and, if an offender has a learning disability, special education; employment training; appropriate treatment programs, including substance abuse and mental health treatment programs; and parenting and relationship building classes; and
- to be designed to build for former offenders post-release and post-discharge support from the community into which an offender is released or discharged, including support from agencies and organizations within that community.

The bill requires TDCJ, in developing the reentry and reintegration plan, to ensure that the elements of the reentry program for long-term inmates and the reintegration services provided under state law are incorporated into the plan.

C.S.H.B. 1711 authorizes TDCJ to contract and coordinate with private vendors, units of local government, or other entities to implement the plan, including contracting to coordinate the supervision and services provided to offenders in correctional facilities with any supervision or services provided to offenders who have been released or discharged from the facility; to provide offenders awaiting release or discharge with the documents that are necessary after release or discharge, including identification papers, medical prescriptions, job training certificates, and referrals to services; and to provide housing and structured programs, including group homes for recovering substance abusers, through which offenders are provided services immediately following release or discharge. The bill requires that, to ensure accountability, any contract entered into to implement the plan contain specific performance measures that TDCJ is required to use to evaluate compliance with the terms of the contract.

C.S.H.B. 1711 requires TDCJ, not later than January 1, 2010, to adopt and implement policies that encourage family unity while an offender is confined and encourage family participation in an offender's post-release or post-discharge transition to the community. The bill requires TDCJ, in adopting the policies, to consider the impact of TDCJ telephone, mail, and visitation policies on the ability of an offender's child to maintain ongoing contact with the offender. The bill requires TDCJ, when determining in which correctional facility to house an offender, to consider the best interest of the offender's family and, if possible, to house the offender in, or in proximity to, the county in which the offender's family resides. The bill requires TDCJ to conduct and coordinate research that examines the impact of an offender's confinement on the well-being of the offender's child.

C.S.H.B. 1711 requires TDCJ to conduct and coordinate research to determine whether the comprehensive reentry and reintegration plan developed and the family unity and participation policies adopted under the bill's provisions reduce recidivism rates. The bill requires TDCJ to deliver a report of the results of that research to the lieutenant governor, the speaker of the house of representatives, and the standing committees of each house of the legislature with primary jurisdiction over criminal justice and corrections, not later than September 1 of each even-numbered year. The bill defines "correctional facility" and "offender."

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1711 differs from the original by authorizing the Texas Department of Criminal Justice (TDCJ) to coordinate, in addition to contracting, with units of local government, in addition to

private vendors or other entities, to implement the comprehensive reentry and reintegration plan. The substitute adds a provision not in the original requiring any contract entered into between TDCJ and an entity to implement the plan to contain specific performance measures to ensure accountability. The substitute adds to the list of items in the original for which the plan must provide, the identification of providers of existing local programs and transitional services with whom TDCJ may contract to implement the plan and the sharing of information between certain persons and entities to adequately assess and address the needs of each offender. The substitute adds a provision not in the original regarding the conditions under which an offender's personal health information may be disclosed between those entities. The substitute adds a provision not in the original requiring TDCJ to conduct a recidivism study regarding the plan and the family unity and participation policies adopted and developed under the bill's provisions and to report the results, annually, to the lieutenant governor, the speaker of the house of representatives, and certain standing committees of each house.