

By: Dutton

H.B. No. 3992

A BILL TO BE ENTITLED

AN ACT

relating to the computation of certain supplemental funding for community supervision and corrections departments.

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

SECTION 1. Chapter 509, Government Code, is amended by adding Section 509.017 to read as follows:

Sec. 509.017. SUPPLEMENTAL FUNDING FOR REVOCATION AND RECIDIVISM REDUCTION. (a) In this section:

(1) "Baseline state fiscal year" means the state fiscal year that began two years before the state fiscal year in which a supplemental payment is made under this section.

(2) "Targeted state fiscal year" means the state fiscal year immediately preceding the state fiscal year in which a supplemental payment is made under this section.

(b) The division shall make payments to a department in the manner provided by this section only if the division determines, in accordance with procedures adopted by the division under Subsection (h), that the statewide percentage of defendants whose community supervision is revoked in the target state fiscal year is at least three percent lower than the percentage of revocations in the state fiscal year ending August 31, 2009.

(c) The division may make a supplemental payment under this section to a department only if the division determines that, in relation to the department:

1 (1) the percentage of defendants supervised by that
2 department whose community supervision is revoked has declined in
3 the targeted state fiscal year compared to that same percentage in
4 the baseline state fiscal year; and

5 (2) the percentage of defendants supervised by that
6 department who commit a felony subsequent to successfully
7 completing community supervision has declined in the targeted state
8 fiscal year compared to that same percentage in the baseline state
9 fiscal year.

10 (d) Not later than September 15 of each state fiscal year,
11 the division shall make a payment to a department described by
12 Subsection (c) in an amount that is equal to 40 percent of the cost
13 savings to the state during the targeted state fiscal year
14 resulting from the lower rates of revocations of community
15 supervision of, and subsequent felony offenses committed by,
16 defendants supervised by that department. In calculating payments
17 under this subsection, the division shall:

18 (1) consider the incarceration costs that would have
19 been incurred by the state if the percentage of revocations of
20 community supervision of, and subsequent felony offenses committed
21 by, defendants supervised by that department had remained at the
22 same level as the baseline state fiscal year; and

23 (2) use the average cost paid by the Texas Department
24 of Criminal Justice under contract with a county or a private vendor
25 for the incarceration of an inmate as the cost of incarcerating a
26 defendant whose supervision is revoked or who commits a felony
27 subsequent to successfully completing community supervision.

1 (e) Money received by a department under this section may be
2 used only to:

- 3 (1) reduce caseloads for supervision officers;
4 (2) provide services to victims of crime; and
5 (3) develop strategies to reduce recidivism,
6 including providing substance abuse treatment to defendants placed
7 on community supervision.

8 (f) The division may not reduce or offset payments made to a
9 department under Section 509.011 because the department receives
10 supplemental funding under this section.

11 (g) Not later than October 1 of each year, the division
12 shall submit a report to the governor, the lieutenant governor, the
13 speaker of the house of representatives, and the standing
14 committees of the senate and the house of representatives with
15 primary jurisdiction over corrections issues. The report must
16 include for the state fiscal year that ended on August 31 of the
17 year in which the report is submitted:

18 (1) the average number of defendants on community
19 supervision in each county;

20 (2) the number of defendants on community supervision
21 in each county whose community supervision is revoked;

22 (3) the number of defendants on community supervision
23 who are convicted of a felony subsequent to successfully completing
24 community supervision; and

25 (4) the average cost paid by the Texas Department of
26 Criminal Justice under contract with a county or a private vendor
27 for the incarceration of an inmate.

1 (h) The division shall adopt procedures to implement this
2 section.

3 SECTION 2. This Act takes effect September 1, 2009.