

By: West

S.B. No. 1455

A BILL TO BE ENTITLED

AN ACT

relating to the operation of prison diversion progressive sanctions programs.

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

SECTION 1. Section 509.007(b), Government Code, is amended to read as follows:

(b) A community justice plan required under this section must include:

(1) a statement of goals and priorities and of commitment by the community justice council, the judges described by Section 76.002 who established the department, and the department director to achieve a targeted level of alternative sanctions;

(2) a description of methods for measuring the success of programs provided by the department or provided by an entity served by the department; ~~and~~

(3) a proposal for the use of state jail felony facilities and, at the discretion of the community justice council, a regional proposal for the construction, operation, maintenance, or management of a state jail felony facility by a county, a community supervision and corrections department, or a private vendor under a contract with a county or a community supervision and corrections department; and

(4) a description of a progressive sanctions program

1 that complies with Sections 509.016(b) and (b-1) and ensures that
2 lower level sanctions and resources are used to address the needs of
3 a defendant before intensive treatment programs and
4 resource-intensive options are used.

5 SECTION 2. Section 509.016, Government Code, is amended by
6 amending Subsection (b) and adding Subsection (b-1) to read as
7 follows:

8 (b) In determining which departments are proper candidates
9 for grants under this section, the division shall give preference
10 to departments that present to the division a plan that will target
11 medium-risk and high-risk defendants and use progressive sanction
12 models that contain [~~adhere to the components set forth in Section~~
13 ~~469.001, Health and Safety Code. As a condition to receiving a~~
14 ~~grant, a department must offer a plan that contains~~] some if not all
15 of the following components:

16 (1) an evidence-based assessment process that
17 includes risk and needs assessment instruments and clinical
18 assessments that support conditions of community supervision or
19 case management strategies;

20 (2) reduced and specialized caseloads for supervision
21 officers, which may include electronic monitoring or substance
22 abuse testing of defendants;

23 (3) the creation, designation, and fiscal support of
24 courts and associated infrastructure necessary to increase
25 judicial oversight and reduce revocations;

26 (4) increased monitoring and field contact by
27 supervision officers;

1 (5) shortened terms of community supervision, with
2 increased supervision during the earliest part of the term;

3 (6) strategies that reduce the number of technical
4 violations;

5 (7) improved coordination between courts and
6 departments to provide early assessment of defendant needs at the
7 outset of supervision;

8 (8) graduated sanctions and incentives, offered to a
9 defendant by both the departments and courts served by the
10 department;

11 (9) the use of inpatient and outpatient treatment
12 options, including substance abuse treatment, mental health
13 treatment, and cognitive and behavioral programs for defendants;

14 (10) the use of intermediate sanctions facilities;

15 (11) the use of community corrections beds;

16 (12) early termination strategies and capabilities;

17 (13) gang intervention strategies; and

18 (14) designation of faith-based community
19 coordinators who will develop faith-based resources, including a
20 mentoring program.

21 (b-1) In addition to the components described by Subsection
22 (b), a progressive sanction model must prioritize the use of the
23 following programs and facilities in a manner that ensures that
24 lower level sanctions and resources are used to address the needs of
25 a defendant before intensive treatment programs and
26 resource-intensive options are used:

27 (1) drug court programs operated under Chapter 469,

1 Health and Safety Code;

2 (2) substance abuse felony punishment facilities
3 operated under Section 493.009; and

4 (3) community corrections facilities as defined by
5 Section 509.001.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.