

BILL ANALYSIS

C.S.H.B. 2649
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Good conduct time is awarded to certain incarcerated offenders for good conduct and diligent participation in specific programs and may be reduced or removed for bad behavior or other disciplinary infractions as a disciplinary management mechanism. Observers note that good conduct time is granted for time served by the offender and is used to calculate an offender's eligibility for parole consideration. Under current law, good conduct time is not available to those offenders confined in a state jail felony facility. C.S.H.B. 2649 seeks to address this issue by making statutory changes relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

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. 2649 amends the Code of Criminal Procedure to require the facility director of a state jail felony facility in which a defendant is confined, not later than the 30th day before the date on which the defendant will have served 80 percent of the defendant's sentence, to report to the sentencing court on the defendant's conduct and programmatic progress while confined in the facility. The bill requires the report to contain an indication of whether the defendant completed a substance abuse treatment program or an industrial, work, agricultural, educational, or vocational program in which the defendant participated and, if the defendant did not fully complete such a program but completed at least two-thirds of the program, whether the defendant nonetheless diligently participated in the program and did not fully complete the program only because of illness, injury, or an emergency circumstance.

C.S.H.B. 2649 authorizes a judge, based on that received report, to credit against any time a defendant is required to serve in a state jail felony facility an additional time for each day the defendant actually serves in the facility for the defendant's completion of, or diligent participation in, a program provided to defendants confined in the facility that is a substance abuse treatment program not otherwise described by provisions of law relating to state jail felony community supervision or is an industrial, work, agricultural, educational, or vocational program. The bill prohibits such a time credit from exceeding one-fifth of the amount of time the defendant is originally required to serve in the facility. The bill prohibits a defendant from being awarded such a credit for any period during which the defendant is subject to disciplinary action. The bill makes a conforming change.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2649 contains provisions not included in the original requiring the facility director of a state jail felony facility, by a specified day before a defendant will have served 80 percent of the defendant's sentence, to report to the sentencing court on the defendant's conduct and programmatic progress while confined in the facility and setting out the required contents of the report. The substitute differs from the original by making a judge's authorization to credit a defendant's diligent participation time against any time the defendant is required to serve in a state jail felony facility conditional on the judge's receipt of such report, whereas the original includes no such condition. The substitute differs from the original by authorizing a judge to award a defendant such a credit for the defendant's completion of or diligent participation in a certain program, whereas the original authorizes such credit for the defendant's diligent participation in such a program. The substitute differs from the original by including in the programs for which a defendant may receive credit a substance abuse treatment program not otherwise described by provisions of law relating to state jail felony community supervision, whereas the original does not include such a program.