

BILL ANALYSIS

Senate Research Center

S.B. 1055
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 509 (Community Justice Assistance Division), Government Code, requires the Community Justice Assistance Division (CJAD) of the Texas Department of Criminal Justice (TDCJ) to require each community supervision and corrections department (CSCD) to prepare and submit a Community Justice Plan. A community justice plan is a statement of the goals and priorities of TDCJ relating to such things as to achieve a targeted level of alternative sanctions, a description of the methods for measuring success, and a proposal for maintenance and use of state jail felony facilities.

S.B. 1055 would require CJAD to also prepare a report that contains a detailed summary of the programs and services provided by its departments as described in each department's Community Justice Plan. The report requires that all financial information concerning the amount of state aid and non state aid used in support of programs and services provided by TDCJ be included. The bill also requires that CJAD submit the report to the Texas Board of Criminal Justice (board) not later than the date on which the board is required to submit its legislative appropriations request (LAR) to the Legislative Budget Board (LBB). This ensures that the board will have information contained in the report for purposes of preparing its LAR.

S.B. 1055 also authorizes the CSCDs, in addition to submitting the report, to submit a Commitment Reduction Plan, which would set forth a target number by which the counties served by the probation departments would reduce the number of individuals committed to TDCJ. The bill would further permit the departments to be eligible for additional state funding which would come from the estimated savings of the reduction in the number of individuals committed to TDCJ to achieve the goals set out in the Commitment Reduction Plan. In the event TDCJ makes such a request, the bill would require TDCJ to pledge to repay the state a percentage of the monies received that would be equal to the percentage by which TDCJ fails to reach the target number.

Allowing departments to prepare plans targeted to reducing the number of individuals imprisoned would be beneficial for a number of reasons, including any cost savings associated with maintaining incarcerated individuals.

S.B. 1055 amends current law relating to reports concerning and the reporting of the use of certain funds by community supervision and corrections departments and to the preparation of commitment reduction plans by those departments.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 76.003(b), Government Code, to provide that a community justice council should consist of certain persons or designees, including the community supervision and corrections department (CSCD) director.

SECTION 2. Amends Chapter 492, Government Code, by adding Section 492.017, as follows:

Sec. 492.017. LEGISLATIVE APPROPRIATIONS REQUEST. (a) Requires the Texas Board of Criminal Justice (board) to require the Texas Department of Criminal Justice (TDCJ) to submit each legislative appropriations request, accompanied by the most recent report prepared by the community justice assistance division (CJAD) of TDCJ under Section 509.004(c), to the board for approval before TDCJ submits the appropriations request to the Legislative Budget Board (LBB).

(b) Requires the board, in deciding whether to approve a legislative appropriations request submitted under Subsection (a), to consider the most recent report prepared by CJAD under Section 509.004(c).

SECTION 3. Amends Chapter 493, Government Code, by adding Section 493.0081, as follows:

Sec. 493.0081. LEGISLATIVE APPROPRIATIONS REQUEST. Requires TDCJ to include in each legislative appropriations request submitted to the LBB the information contained in the most recent report prepared by CJAD under Section 509.004(c).

SECTION 4. Amends Section 509.004, Government Code, by adding Subsections (c), (d), and (e), as follows:

(c) Requires CJAD to prepare a report that contains a detailed summary of the programs and services provided by CSCDs, as described in each community justice plan submitted to CJAD under Section 509.007. Requires that the report include:

(1) all financial information relating to the programs and services described in each community justice plan; and

(2) information concerning the amount of state aid and funding that is not state aid used to support each program or service provided by a department.

(d) Requires CJAD, as soon as practicable after the completion of the report, to submit the report prepared under Subsection (c) to the board and the executive director of TDCJ.

(e) Requires CJAD, not later than the date on which TDCJ is required to submit TDCJ's legislative appropriations request to LBB, to submit the report prepared under Subsection (c) to LBB.

SECTION 5. Amends Section 509.007, Government Code, as follows:

Sec. 509.007. COMMUNITY JUSTICE PLAN. (a) Requires the community justice council (council) to submit a revised plan to CJAD each even-numbered year not later than March 1, rather than each odd-numbered year by a date designated by CJAD.

(b) Requires that a community justice plan required under this section include certain information, including a description of the programs and services the CSCD established under Chapter 76 provides or intends to provide, including a separate description of any programs or services the CSCD intends to provide to enhance public safety, reduce recidivism, strengthen the investigation and prosecution of criminal offenses, improve programs and services available to victims of crime, and increase the amount of restitution collected from persons supervised by the CSCD; and an outline of the CSCD's projected programmatic and budgetary needs, based on the programs and services the CSCD both provides and intends to provide.

SECTION 6. Amends Chapter 509, Government Code, by adding Section 509.0071, as follows:

Sec. 509.0071. COMMITMENT REDUCTION PLAN. (a) Authorizes a CSCD or a regional partnership of CSCDs, in addition to submitting a community justice plan to CJAD under Section 509.007, to submit a commitment reduction plan to CJAD not later

than the 60th day after the date on which the time for gubernatorial action on the state budget has expired under Section 14, Article IV, Texas Constitution.

(b) Authorizes a commitment reduction plan submitted under this section to contain a request for additional state funding in the manner described by Subsection (e). Requires that a commitment reduction plan contain:

(1) a target number by which the county or counties served by the CSCD or regional partnership of CSCDs will, relative to the number of individuals committed in the preceding state fiscal year from the county or counties to TDCJ for offenses not listed in or described by Section 3g, Article 32.12, Code of Criminal Procedure, reduce that number in the fiscal year for which the commitment reduction plan is submitted by reducing the number of direct sentencing commitments, community supervision revocations, or direct sentencing commitments and community supervision revocations;

(2) a calculation, based on the most recent Criminal Justice Uniform Cost Report published by LBB, of the savings to the state that will result from the county or counties reaching the target number described by Subdivision (1);

(3) an explanation of the programs and services the CSCD or regional partnership of CSCDs intends to provide using any funding received under Subsection (e)(1), including any programs or services designed to enhance public safety, reduce recidivism, strengthen the investigation and prosecution of criminal offenses, improve programs and services available to victims of crime, and increase the amount of restitution collected from persons supervised by the CSCD or regional partnership of CSCDs;

(4) a pledge by the CSCD or regional partnership of CSCDs to provide accurate data to CJAD at the time and in the manner required by CJAD;

(5) a pledge to repay the state, not later than the 30th day after the last day of the state fiscal year in which the lump-sum award is made, a percentage of the lump sum received under Subsection (e)(1) that is equal to the percentage by which the county or counties fail to reach the target number described by Subdivision (1), if the county or counties do not reach that target number; and

(6) if the commitment reduction plan is submitted by a regional partnership of CSCDs, an agreement and plan for the receipt, division, and administration of any funding received under Subsection (e).

(c) Provides that for purposes of Subsection (b)(5), if the target number contained in the commitment reduction plan is described by Subsection (b)(1)(B), the county or counties fail to reach the target number if the sum of any increase in the number of direct sentencing commitments and any reduction in community supervision revocations is less than the target number contained in the commitment reduction plan.

(d) Requires that a pledge described by Subsection (b)(4) or (5) be signed by the director of the CSCD submitting the commitment reduction plan, or if the commitment reduction plan is submitted by a regional partnership of CSCDs, a director of one of the CSCDs in the regional partnership submitting the commitment reduction plan.

(e) Authorizes CJAD, after receiving a commitment reduction plan, if CJAD is satisfied that the plan is feasible and would achieve desirable outcomes to award to the CSCD or regional partnership of CSCDs:

(1) a one-time lump sum in an amount equal to 35 percent of the savings to the state described by Subsection (b)(2); and

(2) on a biennial basis, and from the 65 percent of the savings to the state that remains after payment of the lump sum described by Subdivision (1), the following incentive payments for the CSCD's or regional partnership's performance in the two years immediately preceding the payment: 15 percent, for reducing the percentage of persons supervised by the CSCD or regional partnership of CSCDs who commit a new felony while under supervision; five percent, for increasing the percentage of persons supervised by the department or regional partnership of CSCDs who are not delinquent in making any restitution payments; and five percent, for increasing the percentage of persons supervised by the CSCD or regional partnership of CSCDs who are gainfully employed, as determined by CJAD.

(f) Authorizes a CSCD or regional partnership of CSCDs to use funds received under Subsection (e) to provide any program or service that the CSCD is authorized to provide under other law, including implementing, administering, and supporting evidence-based community supervision strategies, electronic monitoring, substance abuse and mental health counseling and treatment, specialized community supervision caseloads, intermediate sanctions, victims' services, restitution collection, short-term incarceration in county jails, specialized courts, pretrial services and intervention programs, and work release and day reporting centers.

(g) Provides that any funds received by a CSCD or regional partnership of CSCDs under Subsection (e) are in addition to any per capita or formula funding received under Section 509.011 (Payment of State Aid); and may not be deducted from any per capita formula funding received or to be received by another CSCD, if the commitment reduction is submitted by a CSCD, or any CSCD if the commitment reduction plan is submitted by a regional partnership of CSCDs.

(h) Requires CJAD to deduct from future state aid paid to a CSCD, or from any incentive payments under Subsection (e)(2) for which a CSCD is otherwise eligible, an amount equal to the amount of any pledge described by Subsection (b)(5) that remains unpaid on the 31st day after the last day of the state fiscal year in which a lump-sum award is made under Subsection (e)(1). Requires CJAD, if the lump-sum award was made to a regional partnership of CSCDs, to deduct, in accordance with the agreement and plan described by Subsection (b)(6), the amount of unpaid pledge from the future state aid to each CSCD that is part of the partnership or from any incentive payments under Subsection (e)(2) for which the regional partnership of CSCDs is otherwise eligible.

SECTION 7. Effective date: September 1, 2011.