

By: Madden

H.B. No. 2844

A BILL TO BE ENTITLED

AN ACT

relating to the supervision of certain people convicted of a criminal offense and to the organization and operation of certain correctional entities.

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

SECTION 1. Section 23, Article 42.12, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) If a judge proceeds under Subsection (a) to dispose of a case as if there had been no community supervision, the judge may require a person convicted of a felony to serve a specific term of imprisonment in the Texas Department of Criminal Justice. On completion of the term of imprisonment, the person shall be released from that department in the manner described by Section 508.147, Government Code.

SECTION 2. Section 76.002, Government Code, is amended by adding Subsection (f) to read as follows:

(f) The district and statutory county court judges described by Subsection (a) may establish committees from among their membership to further the efficient operation of the department established by the judges.

SECTION 3. Section 76.011(a), Government Code, is amended to read as follows:

(a) The department may operate, or assist in the operation of, programs for the supervision and rehabilitation of persons in

1 pretrial intervention programs, including diversion programs and  
2 other specialized court programs for persons charged with felonies.  
3 Programs may include testing for controlled substances. A person  
4 in a pretrial intervention program may be supervised for a period  
5 not to exceed two years.

6 SECTION 4. Section 492.014, Government Code, is amended to  
7 read as follows:

8 Sec. 492.014. HEADQUARTERS. ~~[(a)]~~ The board and the  
9 department shall maintain joint headquarters in Austin.

10 ~~[(b) The department shall maintain dual headquarters in~~  
11 ~~Austin and Huntsville. The institutional division shall maintain~~  
12 ~~its headquarters in Huntsville and may not assign more than 15~~  
13 ~~personnel to Austin.]~~ The board shall ~~[attempt to]~~ locate the joint  
14 headquarters ~~[all Austin offices]~~ in one building or in buildings  
15 that are in close proximity to one another.

16 SECTION 5. Section 493.0021, Government Code, is amended by  
17 adding Subsection (c) to read as follows:

18 (c) Subsection (a) does not apply to a division of the  
19 department, or to a distribution of a power or a duty, that is  
20 established by statute on or after September 1, 2011.

21 SECTION 6. Chapter 493, Government Code, is amended by  
22 adding Section 493.0072 to read as follows:

23 Sec. 493.0072. BUDGETARY ADJUSTMENTS: FACTORS TO CONSIDER.  
24 Before the department, in order to make downward budgetary  
25 adjustments, considers reducing the number of people employed by  
26 the department, the department shall make reductions in:

27 (1) the benefits described by Section 494.007(b) that

1 are provided to department employees; and

2 (2) benefits that are substantially similar in nature  
3 and cost to the department as the benefits described by Section  
4 494.007(b).

5 SECTION 7. Chapter 493, Government Code, is amended by  
6 adding Section 493.030 to read as follows:

7 Sec. 493.030. JOINT STUDY CONCERNING INTERAGENCY  
8 COMMUNICATION. (a) The department and the Board of Pardons and  
9 Paroles shall conduct a joint study concerning the effectiveness of  
10 communications between the department and that board concerning  
11 inmates who are confined in the department or are under the  
12 supervision of the department following release on parole or to  
13 mandatory supervision. The study must evaluate whether  
14 transferring any duties between the department and that board, or  
15 reorganizing any aspect of the department or that board, could  
16 achieve any cost savings or organizational efficiencies.

17 (b) The department and the board shall, not later than  
18 December 1, 2012, submit the results of the study conducted under  
19 Subsection (a) to the governor, the lieutenant governor, the  
20 speaker of the house of representatives, the Sunset Advisory  
21 Commission, and the standing committees in the house of  
22 representatives and the senate that have primary jurisdiction over  
23 the department.

24 (c) This section expires January 1, 2013.

25 SECTION 8. Section 495.027(d), Government Code, is amended  
26 to read as follows:

27 (d) Subject to board approval, the department shall adopt

1 policies governing the use of the pay telephone service by an inmate  
2 confined in a facility operated by the department, including a  
3 policy governing the eligibility of an inmate to use the service.  
4 The policies adopted under this subsection may not unduly restrict  
5 calling patterns or volume and must allow for an average monthly  
6 call usage rate of not less than 480 minutes per month ~~[eight calls,~~  
7 ~~with each call having an average duration of not less than 10~~  
8 ~~minutes,~~] per eligible inmate.

9 SECTION 9. Subchapter B, Chapter 499, Government Code, is  
10 amended by adding Section 499.029 to read as follows:

11 Sec. 499.029. REDUCTION OF POPULATION THROUGH EXPANSION OF  
12 NONTRADITIONAL CONFINEMENT. (a) The department shall adopt  
13 policies designed to reduce the population of inmates in  
14 traditional correctional facilities operated by or under contract  
15 with the department by transitioning as many inmates as possible  
16 out of those facilities and into community-based facilities,  
17 including halfway houses and community residential facilities,  
18 that operate at a lower per-inmate cost.

19 (b) The policies adopted by the department under Subsection  
20 (a) must minimize the cost incurred by the department in confining  
21 inmates and maximize the use of community-based resources in  
22 providing inmates with adequate supervision and access to  
23 rehabilitative services and programs.

24 SECTION 10. Section 501.063, Government Code, is amended to  
25 read as follows:

26 Sec. 501.063. ANNUAL INMATE FEE [COPAYMENTS] FOR [CERTAIN]  
27 HEALTH CARE [VISITS]. (a) An inmate confined in a facility

operated by or under contract with the department, other than a halfway house, ~~[who initiates a visit to a health care provider]~~ shall pay an annual health care services fee ~~[make a copayment]~~ to the department in the amount of \$100 ~~[\$3]~~. The inmate shall pay ~~[make]~~ the annual fee ~~[copayment]~~ out of the inmate's trust fund. If the balance in the fund is insufficient to cover the fee ~~[copayment]~~, 50 percent of each deposit to the fund shall be applied toward the balance owed until the total amount owed is paid.

(b) ~~[The department may not charge a copayment for health care:]~~

~~[(1) provided in response to a life-threatening or emergency situation affecting the inmate's health;~~

~~[(2) initiated by the department;~~

~~[(3) initiated by the health care provider or consisting of routine follow-up, prenatal, or chronic care; or~~

~~[(4) provided under a contractual obligation that is established under the Interstate Corrections Compact or under an agreement with another state that precludes assessing a copayment.]~~

~~[(c)]~~ The department shall adopt policies to ensure that before any deductions are made from an inmate's trust fund under this section ~~[an inmate initiates a visit to a health care provider]~~, the inmate is informed that the annual health care services fee ~~[a \$3 copayment]~~ will be deducted from the inmate's trust fund as required by Subsection (a).

(c) ~~[(d)]~~ The department may not deny an inmate access to health care as a result of the inmate's failure or inability to pay a fee under this section ~~[make a copayment]~~.

1        (d) [~~(e)~~] The department shall deposit money received under  
2 this section in an account in the general revenue fund that may be  
3 used only to pay the cost of administering this section. At the  
4 beginning of each fiscal year, the comptroller shall transfer any  
5 surplus from the preceding fiscal year to the state treasury to the  
6 credit of the general revenue fund.

7        SECTION 11. Section 508.283, Government Code, is amended by  
8 adding Subsection (f) to read as follows:

9        (f) The board shall adopt a policy that requires parole  
10 panels to consider all non-incarceration sanctions before revoking  
11 a person's release on parole or to mandatory supervision.

12        SECTION 12. Section 509.007, Government Code, is amended to  
13 read as follows:

14        Sec. 509.007. COMMUNITY JUSTICE PLAN. (a) The division  
15 shall require as a condition to payment of state aid to a department  
16 or county under Section 509.011 and eligibility for payment of  
17 costs under Section 499.124 that a community justice plan be  
18 submitted for the department. The community justice council shall  
19 submit the plan required by this subsection. A community justice  
20 council may not submit a plan under this section unless the plan is  
21 first approved by the judges described by Section 76.002 who  
22 established the department served by the council. The council  
23 shall submit a revised plan to the division each even-numbered  
24 ~~[odd-numbered]~~ year by a date designated by the division. A plan  
25 may be amended at any time with the approval of the division.

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

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

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

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

16           (4) a description of additional alternative sanctions  
17 the department could use to more fully rehabilitate persons under  
18 the supervision of the department, were the department to receive  
19 additional state aid under Section 509.011.

20           SECTION 13. This Act takes effect September 1, 2011.