

By: Otto

H.B. No. 3649

A BILL TO BE ENTITLED

AN ACT

relating to state fiscal matters related to law enforcement and criminal justice.

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

ARTICLE 1. REDUCTION OF EXPENDITURES AND IMPOSITION OF CHARGES

GENERALLY

SECTION 1.01. This article applies to any state agency that receives an appropriation under Article V of the General Appropriations Act.

SECTION 1.02. Notwithstanding any other statute of this state, each state agency to which this article applies is authorized to reduce or recover expenditures by:

(1) consolidating any reports or publications the agency is required to make and filing or delivering any of those reports or publications exclusively by electronic means;

(2) extending the effective period of any license, permit, or registration the agency grants or administers;

(3) entering into a contract with another governmental entity or with a private vendor to carry out any of the agency's duties;

(4) adopting additional eligibility requirements for persons who receive benefits under any law the agency administers to ensure that those benefits are received by the most deserving persons consistent with the purposes for which the benefits are

1 provided;

2 (5) providing that any communication between the
3 agency and another person and any document required to be delivered
4 to or by the agency, including any application, notice, billing
5 statement, receipt, or certificate, may be made or delivered by
6 e-mail or through the Internet; and

7 (6) adopting and collecting fees or charges to cover
8 any costs the agency incurs in performing its lawful functions.

9 ARTICLE 2. FISCAL MATTERS REGARDING THEFT PREVENTION

10 SECTION 2.01. Section 6, Article 4413(37), Revised
11 Statutes, is amended by adding Subsections (j) and (k) to read as
12 follows:

13 (j) The authority shall:

14 (1) develop and use standard performance measures for
15 each category of grants provided by the authority in order to assess
16 grantee success in achieving the purposes of this article; and

17 (2) ensure that grants are used to help increase:

18 (A) the recovery rate of stolen motor vehicles;

19 (B) the clearance rate of motor vehicle
20 burglaries and thefts; and

21 (C) the number of persons arrested for motor
22 vehicle burglary and theft.

23 (k) The authority shall allocate grant funds primarily
24 based on the number of motor vehicles stolen in, or the motor
25 vehicle burglary or theft rate across, the state rather than based
26 on geographic distribution.

27 SECTION 2.02. Section 7(a), Article 4413(37), Revised

1 Statutes, is amended to read as follows:

2 (a) The authority shall develop and implement a plan of
3 operation. The plan of operation must be updated biennially and
4 filed with the legislature on or before December 1 of each
5 even-numbered year.

6 SECTION 2.03. Section 9(a), Article 4413(37), Revised
7 Statutes, is amended to read as follows:

8 (a) The Department of Public Safety may administer
9 ~~[authority shall develop]~~ a statewide motor vehicle registration
10 program ~~[to be administered by the Department of Public Safety]~~.
11 This section applies only if the Department of Public Safety
12 administers the program.

13 SECTION 2.04. Section 9, Article 4413(37), Revised
14 Statutes, is amended by adding Subsection (h) to read as follows:

15 (h) The Department of Public Safety shall collect data
16 regarding theft rates and types of motor vehicles enrolled in the
17 program, the recovery rate for stolen motor vehicles enrolled in
18 the program, and the clearance rate of burglaries and thefts of
19 motor vehicles enrolled in the program.

20 SECTION 2.05. Sections 6(j) and (k), Article 4413(37),
21 Revised Statutes, as added by this article, apply only in relation
22 to a grant for which the notice of funds availability or of funding
23 opportunity is made public on or after the effective date of this
24 article.

25 ARTICLE 3. FISCAL MATTERS REGARDING MUNICIPAL AND COUNTY JAILS

26 SECTION 3.01. Section 511.0091(c-1), Government Code, is
27 amended to read as follows:

1 (c-1) In addition to the other fees authorized by this
2 section, the commission may set and collect a reasonable fee to
3 cover the cost of the commission performing any reinspection of a
4 municipal or county jail described by Subsection (a) that is
5 ~~[conducted by the commission]:~~

6 (1) required under the laws of this state or
7 commission rules; or ~~[following a determination by the commission~~
8 ~~that the jail is not in compliance with minimum standards; and]~~

9 (2) in response to a request by the operator of the
10 jail for an inspection.

11 SECTION 3.02. Sections 511.0091(b) and (c), Government
12 Code, are repealed.

13 SECTION 3.03. Section 511.0091, Government Code, as amended
14 by this article, applies only to an inspection or reinspection
15 conducted on or after the effective date of this article. An
16 inspection or reinspection conducted before the effective date of
17 this article is governed by the law in effect immediately before the
18 effective date of this article, and the former law is continued in
19 effect for that purpose.

20 ARTICLE 4. FISCAL MATTERS REGARDING PERSONS CONFINED OR
21 SUPERVISED AFTER CONVICTION OF A CRIMINAL OFFENSE

22 SECTION 4.01. Subchapter E, Chapter 508, Government Code,
23 is amended by adding Section 508.1491 to read as follows:

24 Sec. 508.1491. SUPERVISED REENTRY PROGRAM. (a) This
25 section applies to an inmate who is eligible for release on parole
26 but who has not been released on parole or to mandatory supervision
27 under this chapter before the date described by Subsection (b).

1 (b) A parole panel shall order the release of an inmate to
2 the supervised reentry program described by Subsection (c) on the
3 later of the following dates, as determined by the actual calendar
4 time the inmate has served, without consideration of good conduct
5 time:

6 (1) one year before the date on which the inmate will
7 discharge the inmate's sentence; or

8 (2) the date on which the inmate will have served 90
9 percent of the inmate's sentence.

10 (c) The department, before an inmate is released under
11 Subsection (b), shall make arrangements for the inmate's supervised
12 reentry into the community. The inmate's supervised reentry
13 program must:

14 (1) provide the inmate with skills necessary to ensure
15 the successful reentry of the inmate into the community, including
16 providing the inmate with appropriate substance abuse treatment,
17 counseling, and other social service programs; and

18 (2) be coordinated with any programs in which the
19 inmate is or will be participating or services the inmate is or will
20 be receiving through:

21 (A) the comprehensive reentry and reintegration
22 plan under Section 501.092;

23 (B) the reentry program for long-term inmates
24 under Section 501.096; or

25 (C) the reintegration services provided under
26 Section 501.097.

27 (d) A parole panel releasing an inmate under Subsection (b)

1 shall impose conditions that require the inmate to participate
2 fully in all treatment and counseling programs provided by the
3 department and may impose any other conditions determined by the
4 panel to be appropriate. An inmate who fails to comply with a
5 condition imposed under this subsection is subject to revocation or
6 other sanctions in the same manner and under the same procedures as
7 an inmate who fails to comply with conditions of parole or mandatory
8 supervision.

9 (e) The period of supervised reentry is computed by
10 subtracting from the term for which the inmate was sentenced the
11 calendar time served on the sentence. The time served on supervised
12 reentry is computed as calendar time.

13 (f) If an inmate's participation in the supervised reentry
14 program is revoked, the remaining portion of the inmate's sentence
15 is computed with credit for any time the inmate served in the
16 program.

17 SECTION 4.02. Sections 509.011(a) and (e), Government Code,
18 are amended to read as follows:

19 (a) If the division determines that a department complies
20 with division standards and if the community justice council has
21 submitted a community justice plan under Section 76.003 and the
22 supporting information required by the division and the division
23 determines the plan and supporting information are acceptable, the
24 division shall prepare and submit to the comptroller vouchers for
25 payment to the department as follows:

26 (1) for per capita funding, a per diem amount for each
27 felony defendant directly supervised by the department pursuant to

1 lawful authority; and

2 (2) [~~for per capita funding, a per diem amount for a~~
3 ~~period not to exceed 182 days for each defendant supervised by the~~
4 ~~department pursuant to lawful authority, other than a felony~~
5 ~~defendant, and~~

6 [~~(3)~~] for formula funding, an annual amount as
7 computed by multiplying a percentage determined by the allocation
8 formula established under Subsection (f) times the total amount
9 provided in the General Appropriations Act for payments under this
10 subdivision.

11 (e) In establishing per diem payments authorized by
12 Subsection [~~Subsections~~] (a)(1) [~~and (a)(2)~~], the division shall
13 consider the amounts appropriated in the General Appropriations Act
14 for basic supervision as sufficient to provide basic supervision in
15 each year of the fiscal biennium.

16 SECTION 4.03. The following are repealed:

17 (1) Section 8, Article 42.12, Code of Criminal
18 Procedure; and

19 (2) Section 499.052, Government Code.

20 SECTION 4.04. (a) On and after the effective date of this
21 article:

22 (1) a judge may not recommend a person for placement in
23 the state boot camp program under Section 499.052, Government Code;
24 and

25 (2) a participant in the state boot camp program
26 remains a participant in the program only until the later of the
27 following dates:

1 (A) the date on which the convicting court
2 suspends further execution of the sentence and reassumes custody of
3 the person; or

4 (B) the date on which the Texas Department of
5 Criminal Justice transfers the person to another unit in the
6 department.

7 (b) Section 8, Article 42.12, Code of Criminal Procedure,
8 and Section 499.052, Government Code, repealed by this article, are
9 continued in effect for the limited purpose of the orderly
10 abolition of the state boot camp program created by those
11 provisions.

12 (c) Section 508.1491, Government Code, as added by this
13 article, applies to any inmate serving a term of imprisonment in the
14 Texas Department of Criminal Justice on or after the effective date
15 of this article, regardless of when the inmate was sentenced to
16 serve that term.

17 (d) Sections 509.011(a) and (e), Government Code, as
18 amended by this article, apply to appropriations made for any state
19 fiscal year beginning on or after September 1, 2011.

20 ARTICLE 5. FISCAL MATTERS REGARDING ALCOHOLIC
21 BEVERAGE REGULATION

22 SECTION 5.01. Section 5.56, Alcoholic Beverage Code, is
23 repealed.

24 ARTICLE 6. EFFECTIVE DATE

25 SECTION 6.01. This Act takes effect September 1, 2011.