

1-1 By: Gallego (Senate Sponsor - Carona) H.B. No. 3691
1-2 (In the Senate - Received from the House May 16, 2011;
1-3 May 16, 2011, read first time and referred to Committee on Criminal
1-4 Justice; May 21, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 1;
1-6 May 21, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3691 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to community supervision and corrections departments and
1-11 community justice plans.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 76.002, Government Code, is amended by
1-14 amending Subsection (e) and adding Subsection (f) to read as
1-15 follows:

1-16 (e) The board shall ~~[may]~~ adopt rules allowing departments
1-17 to contract with one another for services or facilities or to
1-18 contract as provided by Subsection (f).

1-19 (f) In lieu of establishing a department as required by
1-20 Subsection (a), programs and services may be provided under this
1-21 chapter in a judicial district through a contract with a department
1-22 established for another judicial district.

1-23 SECTION 2. Section 76.003(b), Government Code, is amended
1-24 to read as follows:

1-25 (b) A council should consist of the following persons or
1-26 their designees:

1-27 (1) a sheriff of a county served by the department,
1-28 chosen by the sheriffs of the counties to be served by the
1-29 department;

1-30 (2) a county commissioner or a county judge from a
1-31 county served by the department, chosen by the county commissioners
1-32 and county judges of the counties served by the department;

1-33 (3) a city council member of the most populous
1-34 municipality in a county served by the department, chosen by the
1-35 members of the city councils of cities served by the department;

1-36 (4) not more than two state legislators elected from a
1-37 county served by the department, or in a county with a population of
1-38 one million or more to be served by the department, not more than
1-39 one state senator and one state representative elected from the
1-40 county, chosen by the state legislators elected from the county or
1-41 counties served by the department;

1-42 (5) the presiding judge from a judicial district
1-43 served by the department, chosen by the district judges from the
1-44 judicial districts served by the department;

1-45 (6) a judge of a statutory county court exercising
1-46 criminal jurisdiction in a county served by the department, chosen
1-47 by the judges of statutory county courts with criminal jurisdiction
1-48 in the counties served by the department;

1-49 (7) a county attorney with criminal jurisdiction from
1-50 a county served by the department, chosen by the county attorneys
1-51 with criminal jurisdiction from the counties served by the
1-52 department;

1-53 (8) a district attorney or criminal district attorney
1-54 from a judicial district served by the department, chosen by the
1-55 district attorneys or criminal district attorneys from the judicial
1-56 districts served by the department; ~~[and]~~

1-57 (9) an elected member of the board of trustees of an
1-58 independent school district in a county served by the department,
1-59 chosen by the members of the boards of trustees of independent
1-60 school districts located in counties served by the department; and

1-61 (10) the department director.

1-62 SECTION 3. Chapter 492, Government Code, is amended by
1-63 adding Section 492.017 to read as follows:

2-1 Sec. 492.017. LEGISLATIVE APPROPRIATIONS REQUEST.
 2-2 (a) The board shall require the department to submit each
 2-3 legislative appropriations request, accompanied by the most recent
 2-4 report prepared by the community justice assistance division of the
 2-5 department under Section 509.004(c), to the board for approval
 2-6 before the department submits the appropriations request to the
 2-7 Legislative Budget Board.

2-8 (b) In deciding whether to approve a legislative
 2-9 appropriations request submitted under Subsection (a), the board
 2-10 shall consider the most recent report prepared by the community
 2-11 justice assistance division of the department under Section
 2-12 509.004(c).

2-13 SECTION 4. Chapter 493, Government Code, is amended by
 2-14 adding SECTION 493.0081 to read as follows:

2-15 Sec. 493.0081. LEGISLATIVE APPROPRIATIONS REQUEST. The
 2-16 department shall include in each legislative appropriations
 2-17 request submitted to the Legislative Budget Board the information
 2-18 contained in the most recent report prepared by the community
 2-19 justice assistance division under Section 509.004(c).

2-20 SECTION 5. Section 509.004, Government Code, is amended by
 2-21 adding Subsections (c), (d), and (e) to read as follows:

2-22 (c) The division shall prepare a report that contains a
 2-23 detailed summary of the programs and services provided by
 2-24 departments, as described in each community justice plan submitted
 2-25 to the division under Section 509.007. The report must include:

2-26 (1) all financial information relating to the programs
 2-27 and services described in each community justice plan; and

2-28 (2) information concerning the amount of state aid and
 2-29 funding that is not state aid used to support each program or
 2-30 service provided by a department.

2-31 (d) As soon as is practicable after the completion of the
 2-32 report, the division shall submit the report prepared under
 2-33 Subsection (c) to the Texas Board of Criminal Justice and the
 2-34 executive director of the Texas Department of Criminal Justice.

2-35 (e) Not later than the date on which the Texas Department of
 2-36 Criminal Justice is required to submit the department's legislative
 2-37 appropriations request to the Legislative Budget Board, the
 2-38 division shall submit the report prepared under Subsection (c) to
 2-39 the Legislative Budget Board.

2-40 SECTION 6. Section 509.007, Government Code, is amended to
 2-41 read as follows:

2-42 Sec. 509.007. COMMUNITY JUSTICE PLAN. (a) The division
 2-43 shall require as a condition to payment of state aid to a department
 2-44 or county under Section 509.011 and eligibility for payment of
 2-45 costs under Section 499.124 that a community justice plan be
 2-46 submitted for the department. The community justice council shall
 2-47 submit the plan required by this subsection. A community justice
 2-48 council may not submit a plan under this section unless the plan is
 2-49 first approved by the judges described by Section 76.002 who
 2-50 established the department served by the council. The council
 2-51 shall submit a revised plan to the division each even-numbered
 2-52 ~~[odd-numbered]~~ year not later than March 1 ~~[by a date designated by~~
 2-53 ~~the division]~~. A plan may be amended at any time with the approval
 2-54 of the division.

2-55 (b) A community justice plan required under this section
 2-56 must include:

2-57 (1) a statement of goals and priorities and of
 2-58 commitment by the community justice council, the judges described
 2-59 by Section 76.002 who established the department, and the
 2-60 department director to achieve a targeted level of alternative
 2-61 sanctions;

2-62 (2) a description of methods for measuring the success
 2-63 of programs provided by the department or provided by an entity
 2-64 served by the department; ~~and~~

2-65 (3) a proposal for the use of state jail felony
 2-66 facilities and, at the discretion of the community justice council,
 2-67 a regional proposal for the construction, operation, maintenance,
 2-68 or management of a state jail felony facility by a county, a
 2-69 community supervision and corrections department, or a private

3-1 vendor under a contract with a county or a community supervision and
 3-2 corrections department;
 3-3 (4) a description of the programs and services the
 3-4 department provides or intends to provide, including a separate
 3-5 description of any programs or services the department intends to
 3-6 provide to enhance public safety, reduce recidivism, strengthen the
 3-7 investigation and prosecution of criminal offenses, improve
 3-8 programs and services available to victims of crime, and increase
 3-9 the amount of restitution collected from persons supervised by the
 3-10 department; and
 3-11 (5) an outline of the department's projected
 3-12 programmatic and budgetary needs, based on the programs and
 3-13 services the department both provides and intends to provide.
 3-14 SECTION 7. Chapter 509, Government Code, is amended by
 3-15 adding Section 509.0071 to read as follows:
 3-16 Sec. 509.0071. COMMITMENT REDUCTION PLAN. (a) In addition
 3-17 to submitting a community justice plan to the division under
 3-18 Section 509.007, a department or a regional partnership of
 3-19 departments may submit a commitment reduction plan to the division
 3-20 not later than the 60th day after the date on which the time for
 3-21 gubernatorial action on the state budget has expired under Section
 3-22 14, Article IV, Texas Constitution.
 3-23 (b) A commitment reduction plan submitted under this
 3-24 section may contain a request for additional state funding in the
 3-25 manner described by Subsection (e). A commitment reduction plan
 3-26 must contain:
 3-27 (1) a target number by which the county or counties
 3-28 served by the department or regional partnership of departments
 3-29 will, relative to the number of individuals committed in the
 3-30 preceding state fiscal year from the county or counties to the Texas
 3-31 Department of Criminal Justice for offenses not listed in or
 3-32 described by Section 3g, Article 42.12, Code of Criminal Procedure,
 3-33 reduce that number in the fiscal year for which the commitment
 3-34 reduction plan is submitted by reducing the number of:
 3-35 (A) direct sentencing commitments;
 3-36 (B) community supervision revocations; or
 3-37 (C) direct sentencing commitments and community
 3-38 supervision revocations;
 3-39 (2) a calculation, based on the most recent Criminal
 3-40 Justice Uniform Cost Report published by the Legislative Budget
 3-41 Board, of the savings to the state that will result from the county
 3-42 or counties reaching the target number described by Subdivision
 3-43 (1);
 3-44 (3) an explanation of the programs and services the
 3-45 department or regional partnership of departments intends to
 3-46 provide using any funding received under Subsection (e)(1),
 3-47 including any programs or services designed to enhance public
 3-48 safety, reduce recidivism, strengthen the investigation and
 3-49 prosecution of criminal offenses, improve programs and services
 3-50 available to victims of crime, and increase the amount of
 3-51 restitution collected from persons supervised by the department or
 3-52 regional partnership of departments;
 3-53 (4) a pledge by the department or regional partnership
 3-54 of departments to provide accurate data to the division at the time
 3-55 and in the manner required by the division;
 3-56 (5) a pledge to repay to the state, not later than the
 3-57 30th day after the last day of the state fiscal year in which the
 3-58 lump-sum award is made, a percentage of the lump sum received under
 3-59 Subsection (e)(1) that is equal to the percentage by which the
 3-60 county or counties fail to reach the target number described by
 3-61 Subdivision (1), if the county or counties do not reach that target
 3-62 number; and
 3-63 (6) if the commitment reduction plan is submitted by a
 3-64 regional partnership of departments, an agreement and plan for the
 3-65 receipt, division, and administration of any funding received under
 3-66 Subsection (e).
 3-67 (c) For purposes of Subsection (b)(5), if the target number
 3-68 contained in the commitment reduction plan is described by
 3-69 Subsection (b)(1)(B), the county or counties fail to reach the

4-1 target number if the sum of any increase in the number of direct
 4-2 sentencing commitments and any reduction in community supervision
 4-3 revocations is less than the target number contained in the
 4-4 commitment reduction plan.

4-5 (d) A pledge described by Subsection (b)(4) or (5) must be
 4-6 signed by:

4-7 (1) the director of the department submitting the
 4-8 commitment reduction plan; or

4-9 (2) if the commitment reduction plan is submitted by a
 4-10 regional partnership of departments, a director of one of the
 4-11 departments in the regional partnership submitting the commitment
 4-12 reduction plan.

4-13 (e) After reviewing a commitment reduction plan, if the
 4-14 division is satisfied that the plan is feasible and would achieve
 4-15 desirable outcomes, the division may award to the department or
 4-16 regional partnership of departments:

4-17 (1) a one-time lump sum in an amount equal to 35
 4-18 percent of the savings to the state described by Subsection (b)(2);
 4-19 and

4-20 (2) on a biennial basis, and from the 65 percent of the
 4-21 savings to the state that remains after payment of the lump sum
 4-22 described by Subdivision (1), the following incentive payments for
 4-23 the department's or regional partnership's performance in the two
 4-24 years immediately preceding the payment:

4-25 (A) 15 percent, for reducing the percentage of
 4-26 persons supervised by the department or regional partnership of
 4-27 departments who commit a new felony while under supervision;

4-28 (B) five percent, for increasing the percentage
 4-29 of persons supervised by the department or regional partnership of
 4-30 departments who are not delinquent in making any restitution
 4-31 payments; and

4-32 (C) five percent, for increasing the percentage
 4-33 of persons supervised by the department or regional partnership of
 4-34 departments who are gainfully employed, as determined by the
 4-35 division.

4-36 (f) A department or regional partnership of departments may
 4-37 use funds received under Subsection (e) to provide any program or
 4-38 service that a department is authorized to provide under other law,
 4-39 including implementing, administering, and supporting
 4-40 evidence-based community supervision strategies, electronic
 4-41 monitoring, substance abuse and mental health counseling and
 4-42 treatment, specialized community supervision caseloads,
 4-43 intermediate sanctions, victims' services, restitution collection,
 4-44 short-term incarceration in county jails, specialized courts,
 4-45 pretrial services and intervention programs, and work release and
 4-46 day reporting centers.

4-47 (g) Any funds received by a department or regional
 4-48 partnership of departments under Subsection (e):

4-49 (1) are in addition to any per capita or formula
 4-50 funding received under Section 509.011; and

4-51 (2) may not be deducted from any per capita or formula
 4-52 funding received or to be received by:

4-53 (A) another department, if the commitment
 4-54 reduction plan is submitted by a department; or

4-55 (B) any department, if the commitment reduction
 4-56 plan is submitted by a regional partnership of departments.

4-57 (h) The division shall deduct from future state aid paid to
 4-58 a department, or from any incentive payments under Subsection
 4-59 (e)(2) for which a department is otherwise eligible, an amount
 4-60 equal to the amount of any pledge described by Subsection (b)(5)
 4-61 that remains unpaid on the 31st day after the last day of the state
 4-62 fiscal year in which a lump-sum award is made under Subsection
 4-63 (e)(1). If the lump-sum award was made to a regional partnership of
 4-64 departments, the division shall deduct, in accordance with the
 4-65 agreement and plan described by Subsection (b)(6), the amount of
 4-66 the unpaid pledge from the future state aid to each department that
 4-67 is part of the partnership or from any incentive payments under
 4-68 Subsection (e)(2) for which the regional partnership of departments
 4-69 is otherwise eligible.

5-1 SECTION 8. This Act takes effect immediately if it receives
5-2 a vote of two-thirds of all the members elected to each house, as
5-3 provided by Section 39, Article III, Texas Constitution. If this
5-4 Act does not receive the vote necessary for immediate effect, this
5-5 Act takes effect September 1, 2011.

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