

By: Carona, West

S.B. No. 1055

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reports concerning and the reporting of the use of
3 certain funds by community supervision and corrections departments
4 and to the preparation of commitment reduction plans by those
5 departments.

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

7 SECTION 1. Subsection (b), Section 76.003, Government Code,
8 is amended to read as follows:

9 (b) A council should consist of the following persons or
10 their designees:

11 (1) a sheriff of a county served by the department,
12 chosen by the sheriffs of the counties to be served by the
13 department;

14 (2) a county commissioner or a county judge from a
15 county served by the department, chosen by the county commissioners
16 and county judges of the counties served by the department;

17 (3) a city council member of the most populous
18 municipality in a county served by the department, chosen by the
19 members of the city councils of cities served by the department;

20 (4) not more than two state legislators elected from a
21 county served by the department, or in a county with a population of
22 one million or more to be served by the department, not more than
23 one state senator and one state representative elected from the
24 county, chosen by the state legislators elected from the county or

1 counties served by the department;

2 (5) the presiding judge from a judicial district
3 served by the department, chosen by the district judges from the
4 judicial districts served by the department;

5 (6) a judge of a statutory county court exercising
6 criminal jurisdiction in a county served by the department, chosen
7 by the judges of statutory county courts with criminal jurisdiction
8 in the counties served by the department;

9 (7) a county attorney with criminal jurisdiction from
10 a county served by the department, chosen by the county attorneys
11 with criminal jurisdiction from the counties served by the
12 department;

13 (8) a district attorney or criminal district attorney
14 from a judicial district served by the department, chosen by the
15 district attorneys or criminal district attorneys from the judicial
16 districts served by the department; ~~and~~

17 (9) an elected member of the board of trustees of an
18 independent school district in a county served by the department,
19 chosen by the members of the boards of trustees of independent
20 school districts located in counties served by the department; and

21 (10) the department director.

22 SECTION 2. Chapter 492, Government Code, is amended by
23 adding Section 492.017 to read as follows:

24 Sec. 492.017. LEGISLATIVE APPROPRIATIONS REQUEST.

25 (a) The board shall require the department to submit each
26 legislative appropriations request, accompanied by the most recent
27 report prepared by the community justice assistance division of the

1 department under Section 509.004(c), to the board for approval
2 before the department submits the appropriations request to the
3 Legislative Budget Board.

4 (b) In deciding whether to approve a legislative
5 appropriations request submitted under Subsection (a), the board
6 shall consider the most recent report prepared by the community
7 justice assistance division of the department under Section
8 509.004(c).

9 SECTION 3. Chapter 493, Government Code, is amended by
10 adding Section 493.0081 to read as follows:

11 Sec. 493.0081. LEGISLATIVE APPROPRIATIONS REQUEST. The
12 department shall include in each legislative appropriations
13 request submitted to the Legislative Budget Board the information
14 contained in the most recent report prepared by the community
15 justice assistance division under Section 509.004(c).

16 SECTION 4. Section 509.004, Government Code, is amended by
17 adding Subsections (c), (d), and (e) to read as follows:

18 (c) The division shall prepare a report that contains a
19 detailed summary of the programs and services provided by
20 departments, as described in each community justice plan submitted
21 to the division under Section 509.007. The report must include:

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

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

27 (d) As soon as is practicable after the completion of the

1 report, the division shall submit the report prepared under
2 Subsection (c) to the Texas Board of Criminal Justice and the
3 executive director of the Texas Department of Criminal Justice.

4 (e) Not later than the date on which the Texas Department of
5 Criminal Justice is required to submit the department's legislative
6 appropriations request to the Legislative Budget Board, the
7 division shall submit the report prepared under Subsection (c) to
8 the Legislative Budget Board.

9 SECTION 5. Section 509.007, Government Code, is amended to
10 read as follows:

11 Sec. 509.007. COMMUNITY JUSTICE PLAN. (a) The division
12 shall require as a condition to payment of state aid to a department
13 or county under Section 509.011 and eligibility for payment of
14 costs under Section 499.124 that a community justice plan be
15 submitted for the department. The community justice council shall
16 submit the plan required by this subsection. A community justice
17 council may not submit a plan under this section unless the plan is
18 first approved by the judges described by Section 76.002 who
19 established the department served by the council. The council
20 shall submit a revised plan to the division each even-numbered
21 ~~[odd-numbered]~~ year not later than March 1 ~~[by a date designated by~~
22 ~~the division]~~. A plan may be amended at any time with the approval
23 of the division.

24 (b) A community justice plan required under this section
25 must include:

26 (1) a statement of goals and priorities and of
27 commitment by the community justice council, the judges described

1 by Section 76.002 who established the department, and the
2 department director to achieve a targeted level of alternative
3 sanctions;

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

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

14 (4) a description of the programs and services the
15 department provides or intends to provide, including a separate
16 description of any programs or services the department intends to
17 provide to enhance public safety, reduce recidivism, strengthen the
18 investigation and prosecution of criminal offenses, improve
19 programs and services available to victims of crime, and increase
20 the amount of restitution collected from persons supervised by the
21 department; and

22 (5) an outline of the department's projected
23 programmatic and budgetary needs, based on the programs and
24 services the department both provides and intends to provide.

25 SECTION 6. Chapter 509, Government Code, is amended by
26 adding Section 509.0071 to read as follows:

27 Sec. 509.0071. COMMITMENT REDUCTION PLAN. (a) In addition

1 to submitting a community justice plan to the division under
2 Section 509.007, a department or a regional partnership of
3 departments may submit a commitment reduction plan to the division
4 not later than the 60th day after the date on which the time for
5 gubernatorial action on the state budget has expired under Section
6 14, Article IV, Texas Constitution.

7 (b) A commitment reduction plan submitted under this
8 section may contain a request for additional state funding in the
9 manner described by Subsection (e). A commitment reduction plan
10 must contain:

11 (1) a target number by which the county or counties
12 served by the department or regional partnership of departments
13 will, relative to the number of individuals committed in the
14 preceding state fiscal year from the county or counties to the Texas
15 Department of Criminal Justice for offenses not listed in or
16 described by Section 3g, Article 42.12, Code of Criminal Procedure,
17 reduce that number in the fiscal year for which the commitment
18 reduction plan is submitted by reducing the number of:

19 (A) direct sentencing commitments;
20 (B) community supervision revocations; or
21 (C) direct sentencing commitments and community
22 supervision revocations;

23 (2) a calculation, based on the most recent Criminal
24 Justice Uniform Cost Report published by the Legislative Budget
25 Board, of the savings to the state that will result from the county
26 or counties reaching the target number described by Subdivision
27 (1);

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

10 (4) a pledge by the department or regional partnership
11 of departments to provide accurate data to the division at the time
12 and in the manner required by the division;

13 (5) a pledge to repay to the state, not later than the
14 30th day after the last day of the state fiscal year in which the
15 lump-sum award is made, a percentage of the lump sum received under
16 Subsection (e)(1) that is equal to the percentage by which the
17 county or counties fail to reach the target number described by
18 Subdivision (1), if the county or counties do not reach that target
19 number; and

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

24 (c) For purposes of Subsection (b)(5), if the target number
25 contained in the commitment reduction plan is described by
26 Subsection (b)(1)(B), the county or counties fail to reach the
27 target number if the sum of any increase in the number of direct

1 sentencing commitments and any reduction in community supervision
2 revocations is less than the target number contained in the
3 commitment reduction plan.

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

6 (1) the director of the department submitting the
7 commitment reduction plan; or

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

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

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

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

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

27 (B) five percent, for increasing the percentage

1 of persons supervised by the department or regional partnership of
2 departments who are not delinquent in making any restitution
3 payments; and

4 (C) five percent, for increasing the percentage
5 of persons supervised by the department or regional partnership of
6 departments who are gainfully employed, as determined by the
7 division.

8 (f) A department or regional partnership of departments may
9 use funds received under Subsection (e) to provide any program or
10 service that a department is authorized to provide under other law,
11 including implementing, administering, and supporting
12 evidence-based community supervision strategies, electronic
13 monitoring, substance abuse and mental health counseling and
14 treatment, specialized community supervision caseloads,
15 intermediate sanctions, victims' services, restitution collection,
16 short-term incarceration in county jails, specialized courts,
17 pretrial services and intervention programs, and work release and
18 day reporting centers.

19 (g) Any funds received by a department or regional
20 partnership of departments under Subsection (e):

21 (1) are in addition to any per capita or formula
22 funding received under Section 509.011; and

23 (2) may not be deducted from any per capita or formula
24 funding received or to be received by:

25 (A) another department, if the commitment
26 reduction plan is submitted by a department; or

27 (B) any department, if the commitment reduction

1 plan is submitted by a regional partnership of departments.

2 (h) The division shall deduct from future state aid paid to
3 a department, or from any incentive payments under Subsection
4 (e)(2) for which a department is otherwise eligible, an amount
5 equal to the amount of any pledge described by Subsection (b)(5)
6 that remains unpaid on the 31st day after the last day of the state
7 fiscal year in which a lump-sum award is made under Subsection
8 (e)(1). If the lump-sum award was made to a regional partnership of
9 departments, the division shall deduct, in accordance with the
10 agreement and plan described by Subsection (b)(6), the amount of
11 the unpaid pledge from the future state aid to each department that
12 is part of the partnership or from any incentive payments under
13 Subsection (e)(2) for which the regional partnership of departments
14 is otherwise eligible.

15 SECTION 7. This Act takes effect September 1, 2011.