

By: Carona

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. Chapter 492, Government Code, is amended by  
8 adding Section 492.017 to read as follows:

9 Sec. 492.017. LEGISLATIVE APPROPRIATIONS REQUEST. (a) The  
10 board shall require the department to submit each legislative  
11 appropriations request, accompanied by the most recent report  
12 prepared by the community justice assistance division of the  
13 department under Section 509.004(c), to the board for approval  
14 before the department submits the appropriations request to the  
15 Legislative Budget Board.

16 (b) In deciding whether to approve a legislative  
17 appropriations request submitted under Subsection (a), the board  
18 shall consider the most recent report prepared by the community  
19 justice assistance division of the department under Section  
20 509.004(c).

21 SECTION 2. Chapter 493, Government Code, is amended by  
22 adding Section 493.0081 to read as follows:

23 Sec. 493.0081. LEGISLATIVE APPROPRIATIONS REQUEST. The  
24 department shall include in each legislative appropriations

1 request submitted to the Legislative Budget Board the information  
2 contained in the most recent report prepared by the community  
3 justice assistance division under Section 509.004(c).

4 SECTION 3. Section 509.004, Government Code, is amended by  
5 adding Subsections (c), (d), and (e) to read as follows:

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

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

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

15 (d) As soon as is practicable after the completion of the  
16 report, the division shall submit the report prepared under  
17 Subsection (c) to the Texas Board of Criminal Justice and the  
18 executive director of the Texas Department of Criminal Justice.

19 (e) Not later than the date on which the Texas Department of  
20 Criminal Justice is required to submit the department's legislative  
21 appropriations request to the Legislative Budget Board, the  
22 division shall submit the report prepared under Subsection (c) to  
23 the Legislative Budget Board.

24 SECTION 4. Section 509.007, Government Code, is amended to  
25 read as follows:

26 Sec. 509.007. COMMUNITY JUSTICE PLAN. (a) The division  
27 shall require as a condition to payment of state aid to a department

1 or county under Section 509.011 and eligibility for payment of  
2 costs under Section 499.124 that a community justice plan be  
3 submitted for the department. The community justice council shall  
4 submit the plan required by this subsection. A community justice  
5 council may not submit a plan under this section unless the plan is  
6 first approved by the judges described by Section 76.002 who  
7 established the department served by the council. The council  
8 shall submit a revised plan to the division each even-numbered  
9 ~~[odd-numbered]~~ year not later than March 1 ~~[by a date designated by~~  
10 ~~the division]~~. A plan may be amended at any time with the approval  
11 of the division.

12 (b) A community justice plan required under this section  
13 must include:

14 (1) a statement of goals and priorities and of  
15 commitment by the community justice council, the judges described  
16 by Section 76.002 who established the department, and the  
17 department director to achieve a targeted level of alternative  
18 sanctions;

19 (2) a description of methods for measuring the success  
20 of programs provided by the department or provided by an entity  
21 served by the department; ~~and~~

22 (3) a proposal for the use of state jail felony  
23 facilities and, at the discretion of the community justice council,  
24 a regional proposal for the construction, operation, maintenance,  
25 or management of a state jail felony facility by a county, a  
26 community supervision and corrections department, or a private  
27 vendor under a contract with a county or a community supervision and

1 corrections department;

2 (4) a description of the programs and services the  
3 department provides or intends to provide, including a separate  
4 description of any programs or services the department intends to  
5 provide to enhance public safety, reduce recidivism, strengthen the  
6 investigation and prosecution of criminal offenses, improve  
7 programs and services available to victims of crime, and increase  
8 the amount of restitution collected from persons supervised by the  
9 department; and

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

13 SECTION 5. Chapter 509, Government Code, is amended by  
14 adding Section 509.0071 to read as follows:

15 Sec. 509.0071. COMMITMENT REDUCTION PLAN. (a) In addition  
16 to submitting a community justice plan to the division under  
17 Section 509.007, a department may submit a commitment reduction  
18 plan to the division not later than the 60th day after the date on  
19 which the time for gubernatorial action on the state budget has  
20 expired under Section 14, Article IV, Texas Constitution.

21 (b) A commitment reduction plan submitted under this  
22 section may contain a request for additional state funding in the  
23 manner described by Subsection (c). A commitment reduction plan  
24 must contain:

25 (1) a target number by which the county or counties  
26 served by the department will, relative to the number of  
27 individuals committed to the Texas Department of Criminal Justice

1 from the county or counties in the preceding state fiscal year,  
2 reduce the number of individuals committed to the Texas Department  
3 of Criminal Justice from the county or counties during the state  
4 fiscal biennium for which the commitment reduction plan is  
5 submitted;

6           (2) a calculation, based on the most recent Criminal  
7 Justice Uniform Cost Report published by the Legislative Budget  
8 Board, of the savings to the state that will result from the county  
9 or counties reaching the target number described by Subdivision  
10 (1);

11           (3) an explanation of the programs and services the  
12 department intends to provide using any funding received by the  
13 department under Subsection (c)(1), including any programs or  
14 services designed to enhance public safety, reduce recidivism,  
15 strengthen the investigation and prosecution of criminal offenses,  
16 improve programs and services available to victims of crime, and  
17 increase the amount of restitution collected from persons  
18 supervised by the department;

19           (4) a pledge by the department to provide accurate  
20 data to the division at the time and in the manner required by the  
21 division; and

22           (5) a pledge to repay the state a percentage of the  
23 lump sum received under Subsection (c)(1) that is equal to the  
24 percentage by which the department fails to reach the target number  
25 described by Subdivision (1), if the department does not reach that  
26 target number.

27           (c) After reviewing a commitment reduction plan submitted

1 by a department, if the division is satisfied that the commitment  
2 reduction plan is feasible and would achieve desirable outcomes,  
3 the division may award to the department:

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

7 (2) on a biannual basis, and from the 65 percent of the  
8 savings to the state that remains after payment of the lump sum  
9 described by Subdivision (1), the following incentive payments for  
10 the department's performance in the six months immediately  
11 preceding the payment:

12 (A) 15 percent, for reducing the percentage of  
13 persons supervised by the department who commit a new felony while  
14 under the supervision of the department;

15 (B) five percent, for increasing the percentage  
16 of persons supervised by the department who are not delinquent in  
17 making any restitution payments; and

18 (C) five percent, for increasing the percentage  
19 of persons supervised by the department who are gainfully employed,  
20 as determined by the division.

21 (d) A department may use funds received under Subsection (c)  
22 to provide any program or service that the department is authorized  
23 to provide under other law, including implementing, administering,  
24 and supporting evidence-based community supervision strategies,  
25 electronic monitoring, substance abuse and mental health  
26 counseling and treatment, specialized community supervision  
27 caseloads, intermediate sanctions, victims' services, restitution

1 collection, short-term incarceration in county jails, specialized  
2 courts, pretrial services and intervention programs, and work  
3 release and day reporting centers.

4 (e) Any funds received by a department under Subsection (c)  
5 are in addition to any per capita or formula funding received by the  
6 department under Section 509.011.

7 SECTION 6. This Act takes effect September 1, 2011.