

1-1 By: Carona S.B. No. 1055
1-2 (In the Senate - Filed March 2, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 11, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 11, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1055 By: Huffman

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

1-10 relating to reports concerning and the reporting of the use of
1-11 certain funds by community supervision and corrections departments
1-12 and to the preparation of commitment reduction plans by those
1-13 departments.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subsection (b), Section 76.003, Government Code,
1-16 is amended to read as follows:

1-17 (b) A council should consist of the following persons or
1-18 their designees:

1-19 (1) a sheriff of a county served by the department,
1-20 chosen by the sheriffs of the counties to be served by the
1-21 department;

1-22 (2) a county commissioner or a county judge from a
1-23 county served by the department, chosen by the county commissioners
1-24 and county judges of the counties served by the department;

1-25 (3) a city council member of the most populous
1-26 municipality in a county served by the department, chosen by the
1-27 members of the city councils of cities served by the department;

1-28 (4) not more than two state legislators elected from a
1-29 county served by the department, or in a county with a population of
1-30 one million or more to be served by the department, not more than
1-31 one state senator and one state representative elected from the
1-32 county, chosen by the state legislators elected from the county or
1-33 counties served by the department;

1-34 (5) the presiding judge from a judicial district
1-35 served by the department, chosen by the district judges from the
1-36 judicial districts served by the department;

1-37 (6) a judge of a statutory county court exercising
1-38 criminal jurisdiction in a county served by the department, chosen
1-39 by the judges of statutory county courts with criminal jurisdiction
1-40 in the counties served by the department;

1-41 (7) a county attorney with criminal jurisdiction from
1-42 a county served by the department, chosen by the county attorneys
1-43 with criminal jurisdiction from the counties served by the
1-44 department;

1-45 (8) a district attorney or criminal district attorney
1-46 from a judicial district served by the department, chosen by the
1-47 district attorneys or criminal district attorneys from the judicial
1-48 districts served by the department; ~~and~~

1-49 (9) an elected member of the board of trustees of an
1-50 independent school district in a county served by the department,
1-51 chosen by the members of the boards of trustees of independent
1-52 school districts located in counties served by the department; and

1-53 (10) the department director.

1-54 SECTION 2. Chapter 492, Government Code, is amended by
1-55 adding Section 492.017 to read as follows:

1-56 Sec. 492.017. LEGISLATIVE APPROPRIATIONS REQUEST.

1-57 (a) The board shall require the department to submit each
1-58 legislative appropriations request, accompanied by the most recent
1-59 report prepared by the community justice assistance division of the
1-60 department under Section 509.004(c), to the board for approval
1-61 before the department submits the appropriations request to the
1-62 Legislative Budget Board.

1-63 (b) In deciding whether to approve a legislative

2-1 appropriations request submitted under Subsection (a), the board
2-2 shall consider the most recent report prepared by the community
2-3 justice assistance division of the department under Section
2-4 509.004(c).

2-5 SECTION 3. Chapter 493, Government Code, is amended by
2-6 adding Section 493.0081 to read as follows:

2-7 Sec. 493.0081. LEGISLATIVE APPROPRIATIONS REQUEST. The
2-8 department shall include in each legislative appropriations
2-9 request submitted to the Legislative Budget Board the information
2-10 contained in the most recent report prepared by the community
2-11 justice assistance division under Section 509.004(c).

2-12 SECTION 4. Section 509.004, Government Code, is amended by
2-13 adding Subsections (c), (d), and (e) to read as follows:

2-14 (c) The division shall prepare a report that contains a
2-15 detailed summary of the programs and services provided by
2-16 departments, as described in each community justice plan submitted
2-17 to the division under Section 509.007. The report must include:

2-18 (1) all financial information relating to the programs
2-19 and services described in each community justice plan; and

2-20 (2) information concerning the amount of state aid and
2-21 funding that is not state aid used to support each program or
2-22 service provided by a department.

2-23 (d) As soon as is practicable after the completion of the
2-24 report, the division shall submit the report prepared under
2-25 Subsection (c) to the Texas Board of Criminal Justice and the
2-26 executive director of the Texas Department of Criminal Justice.

2-27 (e) Not later than the date on which the Texas Department of
2-28 Criminal Justice is required to submit the department's legislative
2-29 appropriations request to the Legislative Budget Board, the
2-30 division shall submit the report prepared under Subsection (c) to
2-31 the Legislative Budget Board.

2-32 SECTION 5. Section 509.007, Government Code, is amended to
2-33 read as follows:

2-34 Sec. 509.007. COMMUNITY JUSTICE PLAN. (a) The division
2-35 shall require as a condition to payment of state aid to a department
2-36 or county under Section 509.011 and eligibility for payment of
2-37 costs under Section 499.124 that a community justice plan be
2-38 submitted for the department. The community justice council shall
2-39 submit the plan required by this subsection. A community justice
2-40 council may not submit a plan under this section unless the plan is
2-41 first approved by the judges described by Section 76.002 who
2-42 established the department served by the council. The council
2-43 shall submit a revised plan to the division each even-numbered
2-44 ~~odd-numbered~~ year not later than March 1 ~~[by a date designated by~~
2-45 ~~the division]~~. A plan may be amended at any time with the approval
2-46 of the division.

2-47 (b) A community justice plan required under this section
2-48 must include:

2-49 (1) a statement of goals and priorities and of
2-50 commitment by the community justice council, the judges described
2-51 by Section 76.002 who established the department, and the
2-52 department director to achieve a targeted level of alternative
2-53 sanctions;

2-54 (2) a description of methods for measuring the success
2-55 of programs provided by the department or provided by an entity
2-56 served by the department; ~~and]~~

2-57 (3) a proposal for the use of state jail felony
2-58 facilities and, at the discretion of the community justice council,
2-59 a regional proposal for the construction, operation, maintenance,
2-60 or management of a state jail felony facility by a county, a
2-61 community supervision and corrections department, or a private
2-62 vendor under a contract with a county or a community supervision and
2-63 corrections department;

2-64 (4) a description of the programs and services the
2-65 department provides or intends to provide, including a separate
2-66 description of any programs or services the department intends to
2-67 provide to enhance public safety, reduce recidivism, strengthen the
2-68 investigation and prosecution of criminal offenses, improve
2-69 programs and services available to victims of crime, and increase

3-1 the amount of restitution collected from persons supervised by the
 3-2 department; and

3-3 (5) an outline of the department's projected
 3-4 programmatic and budgetary needs, based on the programs and
 3-5 services the department both provides and intends to provide.

3-6 SECTION 6. Chapter 509, Government Code, is amended by
 3-7 adding Section 509.0071 to read as follows:

3-8 Sec. 509.0071. COMMITMENT REDUCTION PLAN. (a) In addition
 3-9 to submitting a community justice plan to the division under
 3-10 Section 509.007, a department or a regional partnership of
 3-11 departments may submit a commitment reduction plan to the division
 3-12 not later than the 60th day after the date on which the time for
 3-13 gubernatorial action on the state budget has expired under Section
 3-14 14, Article IV, Texas Constitution.

3-15 (b) A commitment reduction plan submitted under this
 3-16 section may contain a request for additional state funding in the
 3-17 manner described by Subsection (e). A commitment reduction plan
 3-18 must contain:

3-19 (1) a target number by which the county or counties
 3-20 served by the department or regional partnership of departments
 3-21 will, relative to the number of individuals committed in the
 3-22 preceding state fiscal year from the county or counties to the Texas
 3-23 Department of Criminal Justice for offenses not listed in or
 3-24 described by Section 3g, Article 42.12, Code of Criminal Procedure,
 3-25 reduce that number in the fiscal year for which the commitment
 3-26 reduction plan is submitted by reducing the number of:

3-27 (A) direct sentencing commitments;
 3-28 (B) community supervision revocations; or
 3-29 (C) direct sentencing commitments and community
 3-30 supervision revocations;

3-31 (2) a calculation, based on the most recent Criminal
 3-32 Justice Uniform Cost Report published by the Legislative Budget
 3-33 Board, of the savings to the state that will result from the county
 3-34 or counties reaching the target number described by Subdivision
 3-35 (1);

3-36 (3) an explanation of the programs and services the
 3-37 department or regional partnership of departments intends to
 3-38 provide using any funding received under Subsection (e)(1),
 3-39 including any programs or services designed to enhance public
 3-40 safety, reduce recidivism, strengthen the investigation and
 3-41 prosecution of criminal offenses, improve programs and services
 3-42 available to victims of crime, and increase the amount of
 3-43 restitution collected from persons supervised by the department or
 3-44 regional partnership of departments;

3-45 (4) a pledge by the department or regional partnership
 3-46 of departments to provide accurate data to the division at the time
 3-47 and in the manner required by the division;

3-48 (5) a pledge to repay to the state, not later than the
 3-49 30th day after the last day of the state fiscal year in which the
 3-50 lump-sum award is made, a percentage of the lump sum received under
 3-51 Subsection (e)(1) that is equal to the percentage by which the
 3-52 county or counties fail to reach the target number described by
 3-53 Subdivision (1), if the county or counties do not reach that target
 3-54 number; and

3-55 (6) if the commitment reduction plan is submitted by a
 3-56 regional partnership of departments, an agreement and plan for the
 3-57 receipt, division, and administration of any funding received under
 3-58 Subsection (e).

3-59 (c) For purposes of Subsection (b)(5), if the target number
 3-60 contained in the commitment reduction plan is described by
 3-61 Subsection (b)(1)(B), the county or counties fail to reach the
 3-62 target number if the sum of any increase in the number of direct
 3-63 sentencing commitments and any reduction in community supervision
 3-64 revocations is less than the target number contained in the
 3-65 commitment reduction plan.

3-66 (d) A pledge described by Subsection (b)(4) or (5) must be
 3-67 signed by:

3-68 (1) the director of the department submitting the
 3-69 commitment reduction plan; or

4-1 (2) if the commitment reduction plan is submitted by a
4-2 regional partnership of departments, a director of one of the
4-3 departments in the regional partnership submitting the commitment
4-4 reduction plan.

4-5 (e) After reviewing a commitment reduction plan, if the
4-6 division is satisfied that the plan is feasible and would achieve
4-7 desirable outcomes, the division may award to the department or
4-8 regional partnership of departments:

4-9 (1) a one-time lump sum in an amount equal to 35
4-10 percent of the savings to the state described by Subsection (b)(2);
4-11 and

4-12 (2) on a biennial basis, and from the 65 percent of the
4-13 savings to the state that remains after payment of the lump sum
4-14 described by Subdivision (1), the following incentive payments for
4-15 the department's or regional partnership's performance in the two
4-16 years immediately preceding the payment:

4-17 (A) 15 percent, for reducing the percentage of
4-18 persons supervised by the department or regional partnership of
4-19 departments who commit a new felony while under supervision;

4-20 (B) five percent, for increasing the percentage
4-21 of persons supervised by the department or regional partnership of
4-22 departments who are not delinquent in making any restitution
4-23 payments; and

4-24 (C) five percent, for increasing the percentage
4-25 of persons supervised by the department or regional partnership of
4-26 departments who are gainfully employed, as determined by the
4-27 division.

4-28 (f) A department or regional partnership of departments may
4-29 use funds received under Subsection (e) to provide any program or
4-30 service that a department is authorized to provide under other law,
4-31 including implementing, administering, and supporting
4-32 evidence-based community supervision strategies, electronic
4-33 monitoring, substance abuse and mental health counseling and
4-34 treatment, specialized community supervision caseloads,
4-35 intermediate sanctions, victims' services, restitution collection,
4-36 short-term incarceration in county jails, specialized courts,
4-37 pretrial services and intervention programs, and work release and
4-38 day reporting centers.

4-39 (g) Any funds received by a department or regional
4-40 partnership of departments under Subsection (e):

4-41 (1) are in addition to any per capita or formula
4-42 funding received under Section 509.011; and

4-43 (2) may not be deducted from any per capita or formula
4-44 funding received or to be received by:

4-45 (A) another department, if the commitment
4-46 reduction plan is submitted by a department; or

4-47 (B) any department, if the commitment reduction
4-48 plan is submitted by a regional partnership of departments.

4-49 (h) The division shall deduct from future state aid paid to
4-50 a department, or from any incentive payments under Subsection
4-51 (e)(2) for which a department is otherwise eligible, an amount
4-52 equal to the amount of any pledge described by Subsection (b)(5)
4-53 that remains unpaid on the 31st day after the last day of the state
4-54 fiscal year in which a lump-sum award is made under Subsection
4-55 (e)(1). If the lump-sum award was made to a regional partnership of
4-56 departments, the division shall deduct, in accordance with the
4-57 agreement and plan described by Subsection (b)(6), the amount of
4-58 the unpaid pledge from the future state aid to each department that
4-59 is part of the partnership or from any incentive payments under
4-60 Subsection (e)(2) for which the regional partnership of departments
4-61 is otherwise eligible.

4-62 SECTION 7. This Act takes effect September 1, 2011.

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