

## **BILL ANALYSIS**

Senate Research Center

S.B. 345  
By: Whitmire  
Criminal Justice  
7/15/2013  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 345 repeals Section 8 (State Boot Camp Program), Article 42.12 (Community Supervision), Code of Criminal Procedure, which establishes the authority of a criminal district court to sentence a defendant to a correctional boot camp program operated by the Texas Department of Criminal Justice (TDCJ). Also repealed is Section 499.052 (State Boot Camp Program), Government Code, which mandates TDCJ to operate and provide beds for inmates sentenced to the correctional boot camps.

Correctional boot camps increased in popularity during the 1980s, with 52 camps being established across the United States and in Texas. In Texas, TDCJ was directed to operate a sentencing program and several community supervision and corrections departments also developed and operated correctional boot camp programs. All are now closed due to research that has proven them to be ineffective and costly, with high recidivism rates.

TDCJ still is required to operate a 400-bed facility that is utilized at less than 10 percent of capacity. TDCJ also operates an eight-bed female facility that is rarely utilized and has no inmates at this time. This legislation relieves TDCJ from having to operate a correctional boot camp program for male and female inmates.

S.B. 345 amends current law relating to certain programs for inmates, including the abolition of the state boot camp program and the use of programs by volunteer and faith-based organizations.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the institutional division of the Texas Department of Criminal Justice is rescinded in SECTION 2 (Section 499.052, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 501.009, Government Code, as follows:

Sec. 501.009. New heading: VOLUNTEER AND FAITH-BASED ORGANIZATIONS; REPORT. (a) Requires the Texas Department of Criminal Justice (TDCJ) to adopt a policy that requires each warden to identify volunteer and faith-based organizations that provide programs for inmates housed in facilities operated by TDCJ. Requires that the policy require each warden to actively encourage volunteer and faith-based organizations to provide certain programs for inmates in the warden's facility. Deletes existing text requiring TDCJ to actively encourage volunteer organizations to provide certain programs for inmates housed in facilities operated by TDCJ.

(b) Requires that the policy require that each warden submit a report to the Texas Board of Criminal Justice not later than December 31 of each year that includes, for the preceding fiscal year, a summary of:

(1) the programs provided to inmates under this section; and

(2) the actions taken by the warden to identify volunteer and faith-based organizations willing to provide programs to inmates and to encourage those organizations to provide programs in the warden's facility.

SECTION 2. Repealer: Section 8 (State Boot Camp Program), Article 42.12 (Community Supervision), Code of Criminal Procedure.

Repealer: Section 499.052 (State Boot Camp Program), Government Code.

SECTION 3. (a) Provides that on and after the effective date of this Act, a judge is prohibited from recommending a person for placement in the state boot camp program under Section 499.052, Government Code, and a participant in the state boot camp program remains a participant in the program only until either the date on which the convicting court suspends further execution of the sentence and reassumes custody of the person or the date on which TDCJ transfers the person to another unit in TDCJ, whichever is later.

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

SECTION 4. Requires TDCJ, not later than December 1, 2013, to adopt the policy, including a schedule for implementing the policy, required by Section 501.009, Government Code, as amended by this Act.

SECTION 5. Effective date: September 1, 2013.