

By: Price

H.B. No. 2289

Substitute the following for H.B. No. 2289:

By: Parker

C.S.H.B. No. 2289

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the continuation and functions of the Texas Board of
3 Criminal Justice, the Texas Department of Criminal Justice, and the
4 Windham School District and to the functions of the Board of Pardons
5 and Paroles and the Correctional Managed Health Care Committee.

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

7 SECTION 1. Section 492.012, Government Code, is amended to
8 read as follows:

9 Sec. 492.012. SUNSET PROVISION. The Texas Board of
10 Criminal Justice and the Texas Department of Criminal Justice are
11 subject to Chapter 325 (Texas Sunset Act). Unless continued in
12 existence as provided by that chapter, the board and the department
13 are abolished September 1, 2021 [~~2013~~].

14 SECTION 2. Chapter 493, Government Code, is amended by
15 adding Section 493.031 to read as follows:

16 Sec. 493.031. CASE MANAGEMENT COMMITTEES. (a) Each
17 facility under the oversight of the correctional institutions
18 division shall establish a case management committee to assess each
19 inmate in the facility and ensure the inmate is receiving
20 appropriate services or participating in appropriate programs. The
21 case management committee shall:

22 (1) review each individual treatment plan adopted
23 under Section 508.152 for an inmate in the facility and, as
24 applicable, discuss with the inmate a possible treatment plan,

1 including participation in any program or service that may be
2 available through the department, the Windham School District, or
3 any volunteer organization; and

4 (2) meet with each inmate in the facility at the time
5 of the inmate's initial placement in the facility and at any time in
6 which the committee seeks to reclassify the inmate based on the
7 inmate's refusal to participate in a program or service recommended
8 by the committee.

9 (b) A case management committee must include the members of
10 the unit classification committee. In addition to those members, a
11 case management committee may include any of the following members,
12 based on availability and inmate needs:

13 (1) an employee whose primary duty involves providing
14 rehabilitation and reintegration programs or services;

15 (2) an employee whose primary duty involves providing
16 vocational training or educational services to inmates;

17 (3) an employee whose primary duty involves providing
18 medical care or mental health care treatment to inmates; or

19 (4) a representative of a faith-based or volunteer
20 organization.

21 SECTION 3. Section 501.092, Government Code, as added by
22 Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular
23 Session, 2009, is reenacted and amended to read as follows:

24 Sec. 501.092. COMPREHENSIVE REENTRY AND REINTEGRATION PLAN
25 FOR OFFENDERS. (a) The department shall develop and adopt a
26 comprehensive plan to reduce recidivism and ensure the successful
27 reentry and reintegration of offenders into the community following

1 an offender's release or discharge from a correctional facility.

2 (b) The reentry and reintegration plan adopted [~~developed~~]
3 under this section must [~~provide for~~]:

4 (1) incorporate the use of the risk and needs
5 assessment instrument adopted under Section 501.0921 [~~an~~
6 ~~assessment of offenders entering a correctional facility to~~
7 ~~determine which skills the offender needs to develop to be~~
8 ~~successful in the community following release or discharge~~];

9 (2) provide for programs that address the assessed
10 needs of offenders;

11 (3) provide for a comprehensive network of transition
12 programs to address the needs of offenders released or discharged
13 from a correctional facility;

14 (4) identify and define the transition services that
15 are to be provided by the department and which offenders are
16 eligible for those services;

17 (5) coordinate the provision of reentry and
18 reintegration services provided to offenders through state-funded
19 and volunteer programs across divisions of the department to:

20 (A) target eligible offenders efficiently; and

21 (B) ensure maximum use of existing facilities,
22 personnel, equipment, supplies, and other resources;

23 (6) provide for collecting and maintaining data
24 regarding the number of offenders who received reentry and
25 reintegration services and the number of offenders who were
26 eligible for but did not receive those services, including
27 offenders who did not participate in those services;

1 (7) provide for evaluating the effectiveness of the
2 reentry and reintegration services provided to offenders by
3 collecting, maintaining, and reporting outcome information,
4 including recidivism data as applicable;

5 (8) identify [~~(4) the identification of~~] providers of
6 existing local programs and transitional services with whom the
7 department may contract under Section 495.028 to implement the
8 reentry and reintegration plan; and

9 (9) [~~(5)~~ subject to Subsection (f) [~~(c)~~], provide for
10 the sharing of information between local coordinators, persons with
11 whom the department contracts under Section 495.028, and other
12 providers of services as necessary to adequately assess and address
13 the needs of each offender.

14 (c) The department, in consultation with the Board of
15 Pardons and Paroles and the Windham School District, shall
16 establish the role of each entity in providing reentry and
17 reintegration services. The reentry and reintegration plan adopted
18 under this section must include, with respect to the department,
19 the Board of Pardons and Paroles, and the Windham School District:

20 (1) the reentry and reintegration responsibilities
21 and goals of each entity, including the duties of each entity to
22 administer the risk and needs assessment instrument adopted under
23 Section 501.0921;

24 (2) the strategies for achieving the goals identified
25 by each entity; and

26 (3) specific timelines for each entity to implement
27 the components of the reentry and reintegration plan for which the

1 entity is responsible.

2 (d) The department shall regularly evaluate the reentry and
3 reintegration plan adopted under this section. Not less than once
4 in each three-year period following the adoption of the plan, the
5 department shall update the plan.

6 (e) The department shall provide a copy of the initial
7 reentry and reintegration plan adopted under this section and each
8 evaluation and revision of the plan to the board, the Windham School
9 District, and the Board of Pardons and Paroles.

10 (f) An offender's personal health information may be
11 disclosed under Subsection (b)(9) [~~(b)(5)~~] only if:

- 12 (1) the offender consents to the disclosure; and
13 (2) the disclosure does not violate the Health
14 Insurance Portability and Accountability Act of 1996 (Pub. L. No.
15 104-191) or other state or federal law.

16 (g) [~~(d)~~] The programs provided under Subsections (b)(2)
17 and (3) must:

18 (1) be implemented by highly skilled staff who are
19 experienced in working with inmate reentry and reintegration
20 programs;

21 (2) provide offenders with:

22 (A) individualized case management and a full
23 continuum of care;

24 (B) life-skills training, including information
25 about budgeting, money management, nutrition, and exercise;

26 (C) education and, if an offender has a learning
27 disability, special education;

1 (D) employment training;

2 (E) appropriate treatment programs, including
3 substance abuse and mental health treatment programs; and

4 (F) parenting and relationship building classes;
5 and

6 (3) be designed to build for former offenders
7 post-release and post-discharge support from the community into
8 which an offender is released or discharged, including support from
9 agencies and organizations within that community.

10 (h) [~~(e)~~] In developing the reentry and reintegration plan
11 adopted under this section, the department shall ensure that the
12 reentry program for long-term inmates under Section 501.096 and the
13 reintegration services provided under Section 501.097 are
14 incorporated into the plan.

15 (i) Not later than September 1 of each even-numbered year,
16 the department shall deliver a report of the results of evaluations
17 conducted under Subsection (b)(7) to the lieutenant governor, the
18 speaker of the house of representatives, and each standing
19 committee of the senate and house of representatives having primary
20 jurisdiction over the department.

21 SECTION 4. Subchapter C, Chapter 501, Government Code, is
22 amended by adding Section 501.0921 to read as follows:

23 Sec. 501.0921. RISK AND NEEDS ASSESSMENT INSTRUMENT. (a)
24 The department shall adopt a standardized instrument to assess,
25 based on criminogenic factors, the risks and needs of each offender
26 within the adult criminal justice system.

27 (b) The department shall make the risk and needs assessment

1 instrument available for use by each community supervision and
2 corrections department established under Chapter 76.

3 (c) The department and the Windham School District shall
4 jointly determine the duties of each entity with respect to
5 implementing the risk and needs assessment instrument in order to
6 efficiently use existing assessment processes.

7 (d) The department shall specify a timeline for the testing,
8 adoption, and implementation of the risk and needs assessment
9 instrument. The department's timeline must provide for the use of
10 the instrument to be fully implemented not later than January 1,
11 2015. This subsection expires January 1, 2016.

12 SECTION 5. Section 501.098, Government Code, as added by
13 Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular
14 Session, 2009, is reenacted and amended to read as follows:

15 Sec. 501.098. REENTRY TASK FORCE. (a) The department shall
16 establish a reentry task force and shall coordinate the work of the
17 task force with the Office of Court Administration. The executive
18 director shall ensure that the task force includes representatives
19 of [~~and by rule shall enter into a memorandum of understanding~~
20 ~~with]~~ the following entities [~~to establish a reentry task force~~]:

21 (1) the Texas Juvenile Justice Department [~~Youth~~
22 ~~Commission~~];

23 (2) the Texas Workforce Commission;

24 (3) the Department of Public Safety;

25 (4) the Texas Department of Housing and Community
26 Affairs;

27 (5) the Texas Correctional Office on Offenders with

1 Medical or Mental Impairments;

2 (6) the Health and Human Services Commission;

3 (7) the Texas Judicial Council; ~~and~~

4 (8) the Board of Pardons and Paroles;

5 (9) the Windham School District;

6 (10) the Texas Commission on Jail Standards;

7 (11) the Department of State Health Services;

8 (12) the Texas Court of Criminal Appeals;

9 (13) the County Judges and Commissioners Association

10 of Texas;

11 (14) the Sheriffs' Association of Texas;

12 (15) the Texas District and County Attorneys

13 Association; and

14 (16) the Texas Conference of Urban Counties.

15 (b) The executive director shall appoint a representative
16 from each of the following entities to serve on the reentry task
17 force:

18 (1) a community supervision and corrections
19 department established under Chapter 76;

20 (2) an organization that advocates on behalf of
21 offenders;

22 (3) a local reentry planning entity; and

23 (4) a statewide ~~an~~ organization ~~[selected by the~~
24 ~~department]~~ that advocates for or provides reentry or reintegration
25 services to offenders following their release or discharge from a
26 correctional facility.

27 (c) To the extent feasible, the executive director shall

1 ensure that the membership of the reentry task force reflects the
2 geographic diversity of this state and includes members of both
3 rural and urban communities.

4 (d) The executive director may appoint additional members
5 as the executive director determines necessary.

6 (e) [(b)] The reentry task force shall [established under
7 Subsection (a) may]:

8 (1) identify gaps in services for offenders following
9 their release or discharge to rural or urban communities in the
10 areas of employment, housing, substance abuse treatment, medical
11 care, and any other areas in which the offenders need special
12 services; and

13 (2) coordinate with providers of existing local
14 reentry and reintegration programs, including programs operated by
15 a municipality or county, to make recommendations regarding the
16 provision of comprehensive services to offenders following their
17 release or discharge to rural or urban communities.

18 (f) In performing its duties under Subsection (e), the
19 reentry task force shall:

20 (1) identify:

21 (A) specific goals of the task force;

22 (B) specific deliverables of the task force,
23 including the method or format in which recommendations under
24 Subsection (e)(2) will be made available; and

25 (C) the intended audience or recipients of the
26 items described by Paragraph (B);

27 (2) specify the responsibilities of each entity

1 represented on the task force regarding the goals of the task force;
2 and

3 (3) specify a timeline for achieving the task force's
4 goals and producing the items described by Subdivision (1)(B).

5 SECTION 6. Section 501.131, Government Code, is amended to
6 read as follows:

7 Sec. 501.131. DEFINITIONS [~~DEFINITION~~]. In this
8 subchapter:

9 (1) "Committee" [~~,"committee"~~] means the Correctional
10 Managed Health Care Committee.

11 (2) "Contracting entity" means an entity that
12 contracts with the department to provide health care services under
13 this chapter.

14 (3) "Medical school" means the medical school at The
15 University of Texas Health Science Center at Houston, the medical
16 school at The University of Texas Health Science Center at Dallas,
17 the medical school at The University of Texas Health Science Center
18 at San Antonio, The University of Texas Medical Branch at
19 Galveston, the Texas Tech University Health Sciences Center, the
20 Baylor College of Medicine, the college of osteopathic medicine at
21 the University of North Texas Health Science Center at Fort Worth,
22 or The Texas A&M University System Health Science Center.

23 SECTION 7. Section 501.133, Government Code, is amended by
24 amending Subsection (a) and adding Subsection (c) to read as
25 follows:

26 (a) The committee consists of nine [~~five~~] voting members and
27 one nonvoting member as follows:

1 (1) one member employed full-time by the department,
2 appointed by the executive director;

3 (2) one member who is a physician and employed
4 full-time by The University of Texas Medical Branch at Galveston,
5 appointed by the president of the medical branch;

6 (3) one member who is a physician and employed
7 full-time by the Texas Tech University Health Sciences Center,
8 appointed by the president of the university;

9 (4) two members who are physicians, each of whom is
10 employed full-time by a medical school other than The University of
11 Texas Medical Branch at Galveston or the Texas Tech University
12 Health Sciences Center, appointed by the governor;

13 (5) two members appointed by the governor who are
14 licensed mental health professionals;

15 (6) two public members appointed by the governor who
16 are not affiliated with the department or with any contracting
17 entity [~~with which the committee has contracted to provide health~~
18 ~~care services under this chapter~~], at least one of whom is licensed
19 to practice medicine in this state; and

20 (7) [~~(5)~~] the state Medicaid director or a person
21 employed full-time by the Health and Human Services Commission and
22 appointed by the Medicaid director, to serve ex officio as a
23 nonvoting member.

24 (c) A committee member appointed under Subsection (a)(7)
25 shall assist the department with developing the expertise needed to
26 accurately assess health care costs and determine appropriate
27 rates.

1 SECTION 8. Section 501.136, Government Code, is amended to
2 read as follows:

3 Sec. 501.136. APPOINTMENT; TERMS OF OFFICE; VACANCY [~~FOR~~
4 ~~PUBLIC MEMBERS~~]. (a) The two committee members appointed under
5 Section 501.133(a)(4) serve concurrent four-year terms expiring on
6 February 1 following the fourth anniversary of the date of
7 appointment. On the expiration of the terms, the governor shall
8 appoint one member from each of the next two medical schools that,
9 based on an alphabetical listing of the names of the medical
10 schools, follow the medical schools that employ the vacating
11 members. A medical school may not be represented at any given time
12 by more than one member appointed under Section 501.133(a)(4).

13 (b) The two committee members appointed under Section
14 501.133(a)(5) serve concurrent four-year terms expiring on
15 February 1 following the fourth anniversary of the date of
16 appointment.

17 (c) Public [~~Committee~~] members appointed under Section
18 501.133(a)(6) [~~by the governor~~] serve staggered four-year terms,
19 with the term of one of those members expiring on February 1 of each
20 odd-numbered year.

21 (d) Other committee members serve at the will of the
22 appointing official or until termination of the member's employment
23 with the entity the member represents.

24 (e) If a vacancy occurs, the appropriate appointing
25 authority shall appoint a person, in the same manner as the original
26 appointment, to serve for the remainder of the unexpired term. If a
27 vacancy occurs in a position appointed under Section 501.133(a)(4),

1 the governor shall appoint a physician employed by the same medical
2 school as that of the vacating member.

3 SECTION 9. Section 501.146, Government Code, is amended by
4 amending Subsection (a) and adding Subsection (c) to read as
5 follows:

6 (a) The committee shall develop and approve a managed health
7 care plan for all persons confined by the department that
8 [~~includes~~]:

9 (1) specifies the types and general level of care to be
10 provided to [~~the establishment of a managed health care provider~~
11 ~~network of physicians and hospitals that will serve the department~~
12 ~~as the exclusive health care provider for~~] persons confined [~~in~~
13 ~~institutions operated~~] by the department; and

14 (2) ensures continued access to needed care in the
15 correctional health care system [~~cost containment studies,~~

16 [~~(3) care case management and utilization management~~
17 ~~studies performed for the department, and~~

18 [~~(4) concerning the establishment of criteria for~~
19 ~~hospitals, home health providers, or hospice providers, a provision~~
20 ~~requiring the managed health care plan to accept certification by~~
21 ~~the Medicare program under Title XVIII, Social Security Act (42~~
22 ~~U.S.C. Section 1395 et seq.), and its subsequent amendments, as an~~
23 ~~alternative to accreditation by the Joint Commission on~~
24 ~~Accreditation of Healthcare Organizations].~~

25 (c) The committee shall provide expertise to the
26 department, and may appoint subcommittees to assist the department,
27 in developing policies and procedures for implementation of the

1 managed health care plan.

2 SECTION 10. Section 501.147, Government Code, is amended to
3 read as follows:

4 Sec. 501.147. POWERS AND DUTIES OF DEPARTMENT; AUTHORITY TO
5 CONTRACT. (a) The department, in cooperation with the contracting
6 entities, shall:

7 (1) establish a managed health care provider network
8 of physicians and hospitals to provide health care to persons
9 confined by the department; and

10 (2) evaluate and recommend to the board sites for new
11 medical facilities that appropriately support the managed health
12 care provider network.

13 (b) The department may:

14 (1) communicate with the legislature regarding the
15 financial needs of the correctional health care system;

16 (2) monitor the expenditures of a contracting entity
17 to ensure that those expenditures comply with applicable statutory
18 and contractual requirements;

19 (3) address problems found through monitoring
20 activities, including requiring corrective action if care does not
21 meet expectations as determined by those monitoring activities;

22 (4) identify and address long-term needs of the
23 correctional health care system;

24 (5) [enter into a] contract with any entity to fully
25 implement the managed health care plan under this subchapter,
26 including contracting for health care services and the integration
27 of those services into the managed health care provider network;

1 (6) contract with an individual for financial
2 consulting services and make use of financial monitoring of the
3 managed health care plan to assist the department in determining an
4 accurate capitation rate; and

5 (7) contract with an individual for actuarial
6 consulting services to assist the department in determining trends
7 in the health of the inmate population and the impact of those
8 trends on future financial needs.

9 (c) In contracting for the implementation of the managed
10 health care plan, the department shall:

11 (1) [A contract entered into under this subsection
12 must] include provisions necessary to ensure that the contracting
13 entity [The University of Texas Medical Branch at Galveston] is
14 eligible for and makes reasonable efforts to participate in the
15 purchase of prescription drugs under Section 340B, Public Health
16 Service Act (42 U.S.C. Section 256b); and[-]

17 (2) [(b) The department may contract with other
18 governmental entities for similar health care services and
19 integrate those services into the managed health care provider
20 network.

21 ~~[(c) In contracting for implementation of the managed~~
22 ~~health care plan, the department,] to the extent possible, [shall]~~
23 ~~integrate the managed health care provider network with the~~
24 ~~[public] medical schools [of this state] and the component and~~
25 ~~affiliated hospitals of those medical schools. [The contract must~~
26 ~~authorize The University of Texas Medical Branch at Galveston to~~
27 ~~contract directly with the Texas Tech University Health Sciences~~

1 ~~Center for the provision of health care services. The Texas Tech~~
2 ~~University Health Sciences Center shall cooperate with The~~
3 ~~University of Texas Medical Branch at Galveston in its efforts to~~
4 ~~participate in the purchase of prescription drugs under Section~~
5 ~~340B, Public Health Service Act (42 U.S.C. Section 256b).]~~

6 (d) For services that a governmental entity [~~the public~~
7 ~~medical schools and their components and affiliates~~] cannot
8 provide, the department shall initiate a competitive bidding
9 process for contracts with other providers for medical care to
10 persons confined by the department.

11 [~~(c) The department, in cooperation with the committee, may~~
12 ~~contract with an individual or firm for a biennial review of, and~~
13 ~~report concerning, expenditures under the managed health care plan.~~
14 ~~The review must be conducted by an individual or firm experienced in~~
15 ~~auditing the state's Medicaid expenditures and other medical~~
16 ~~expenditures. Not later than September 1 of each even-numbered~~
17 ~~year, the department shall submit a copy of a report under this~~
18 ~~section to the health care providers that are part of the managed~~
19 ~~health care provider network established under this subchapter, the~~
20 ~~Legislative Budget Board, the governor, the lieutenant governor,~~
21 ~~and the speaker of the house of representatives.]~~

22 SECTION 11. Subchapter E, Chapter 501, Government Code, is
23 amended by adding Section 501.1471 to read as follows:

24 Sec. 501.1471. REPORT. (a) Not later than the 30th day
25 after the end of each fiscal quarter, the department shall submit to
26 the Legislative Budget Board and the governor a report that
27 contains, for the preceding quarter:

1 (1) the actual and projected expenditures for the
2 correctional health care system, including expenditures for unit
3 and psychiatric care, hospital and clinical care, and pharmacy
4 services;

5 (2) health care utilization and acuity data;

6 (3) other health care information as determined by the
7 governor and the Legislative Budget Board; and

8 (4) the amount of cost savings realized as a result of
9 contracting for health care services under this subchapter with a
10 provider other than the Texas Tech University Health Sciences
11 Center and The University of Texas Medical Branch.

12 (b) A contract entered into by the department for the
13 provision of health care services must require the contracting
14 entity to provide the department with necessary documentation to
15 fulfill the requirements of this section.

16 SECTION 12. Sections 501.148(a) and (b), Government Code,
17 are amended to read as follows:

18 (a) The committee may:

19 (1) develop statewide policies for the delivery of
20 correctional health care;

21 (2) ~~[communicate with the department and the~~
22 ~~legislature regarding the financial needs of the correctional~~
23 ~~health care system;~~

24 ~~[(3) in conjunction with the department, monitor the~~
25 ~~expenditures of The University of Texas Medical Branch at Galveston~~
26 ~~and the Texas Tech University Health Sciences Center to ensure that~~
27 ~~those expenditures comply with applicable statutory and~~

1 ~~contractual requirements,~~

2 ~~[(4)]~~ serve as a dispute resolution forum in the event
3 of a disagreement relating to inmate health care services between:

4 (A) the department and the health care providers;
5 or

6 (B) contracting entities ~~[The University of~~
7 ~~Texas Medical Branch at Galveston and the Texas Tech University~~
8 ~~Health Sciences Center,~~

9 ~~[(5) address problems found through monitoring~~
10 ~~activities by the department and health care providers, including~~
11 ~~requiring corrective action if care does not meet expectations as~~
12 ~~determined by those monitoring activities,~~

13 ~~[(6) identify and address long-term needs of the~~
14 ~~correctional health care system]; and~~

15 (3) ~~[(7)]~~ report to the board ~~[Texas Board of Criminal~~
16 ~~Justice]~~ at the board's regularly scheduled meeting each quarter on
17 the committee's policy recommendations~~[, the financial status of~~
18 ~~the correctional health care system, and corrective actions taken~~
19 ~~by or required of the department or the health care providers].~~

20 (b) The committee shall advise the department and the board
21 as necessary, including providing medical expertise and assisting
22 the department and the board in identifying system needs and
23 resolving contract disputes ~~[evaluate and recommend to the board~~
24 ~~sites for new medical facilities that appropriately support the~~
25 ~~managed health care provider network].~~

26 SECTION 13. Sections 501.1485(a) and (b), Government Code,
27 are amended to read as follows:

1 (a) The department, in cooperation with any contracting
2 entity that is a medical school [~~The University of Texas Medical~~
3 ~~Branch at Galveston and the Texas Tech University Health Sciences~~
4 ~~Center~~], shall develop and implement a training program for
5 corrections medication aides that uses a curriculum specific to
6 administering medication in a correctional setting.

7 (b) In developing the curriculum for the training program,
8 the department and the medical school [~~The University of Texas~~
9 ~~Medical Branch at Galveston, and the Texas Tech University Health~~
10 ~~Sciences Center~~] shall:

11 (1) consider the content of the curriculum developed
12 by the American Correctional Association for certified corrections
13 nurses; and

14 (2) modify as appropriate the content of the
15 curriculum developed under Chapter 242, Health and Safety Code, for
16 medication aides administering medication in convalescent and
17 nursing homes and related institutions to produce content suitable
18 for administering medication in a correctional setting.

19 SECTION 14. Subchapter E, Chapter 508, Government Code, is
20 amended by adding Section 508.1411 to read as follows:

21 Sec. 508.1411. NOTIFICATION OF PAROLE PANEL DECISION. (a)
22 For each decision of a parole panel granting or denying the release
23 of an inmate on parole, or denying the release of an inmate on
24 mandatory supervision, the parole panel shall:

25 (1) produce a written statement, in clear and
26 understandable language, that explains:

27 (A) the decision; and

1 (B) the reasons for the decision only to the
2 extent those reasons relate specifically to the inmate;

3 (2) provide a copy of the statement to the inmate; and

4 (3) place a copy of the statement in the inmate's file.

5 (b) In a written statement produced under Subsection (a),
6 the parole panel may withhold information that:

7 (1) is confidential and not subject to public
8 disclosure under Chapter 552; or

9 (2) the parole panel considers to possibly jeopardize
10 the health or safety of any individual.

11 (c) The board shall keep a copy of each statement produced
12 under Subsection (a) in a central location.

13 SECTION 15. Section 508.144, Government Code, is amended to
14 read as follows:

15 Sec. 508.144. PAROLE GUIDELINES AND RANGE OF RECOMMENDED
16 PAROLE APPROVAL RATES. (a) The board shall:

17 (1) develop according to an acceptable research method
18 the parole guidelines that are the basic criteria on which a parole
19 decision is made;

20 (2) base the guidelines on the seriousness of the
21 offense and the likelihood of a favorable parole outcome;

22 (3) ensure that the guidelines require consideration
23 of an inmate's progress in any programs in which the inmate
24 participated during the inmate's term of confinement; ~~and~~

25 (4) establish and maintain a range of recommended
26 parole approval rates for each category or score within the
27 guidelines; and

1 (5) implement the guidelines.

2 (b) ~~[If a board member or parole commissioner deviates from~~
3 ~~the parole guidelines in voting on a parole decision, the member or~~
4 ~~parole commissioner shall:~~

5 ~~[(1) produce a written statement describing in detail~~
6 ~~the specific circumstances regarding the departure from the~~
7 ~~guidelines;~~

8 ~~[(2) place a copy of the statement in the file of the~~
9 ~~inmate for whom the parole decision was made; and~~

10 ~~[(3) provide a copy of the statement to the inmate.~~

11 ~~[(c) The board shall keep a copy of a statement made under~~
12 ~~Subsection (b) in a central location.~~

13 ~~[(d)]~~ The board shall meet annually to review and discuss
14 the parole guidelines and range of recommended parole approval
15 rates ~~[developed under Subsection (a)]~~. The board may consult
16 outside experts to assist with the review. The board shall
17 prioritize the use of outside experts, technical assistance, and
18 training in taking any action under Subsection (c). The board must
19 consider:

20 (1) how the parole guidelines and range of recommended
21 parole approval rates serve the needs of parole decision-making;
22 and

23 (2) the extent to which ~~[how well]~~ the parole
24 guidelines and range of recommended parole approval rates reflect
25 parole panel decisions ~~[+]~~ and

26 ~~[(3) how well parole guidelines]~~ predict successful
27 parole outcomes.

1 (c) [~~(e)~~] Based on the board's review [~~of the parole~~
2 ~~guidelines~~] under Subsection (b) [~~(d)~~], the board may:

3 (1) update the guidelines by:

4 (A) including new risk factors; or

5 (B) changing the values of offense severity or
6 risk factor scores; or

7 (2) modify the range of recommended parole approval
8 rates under the guidelines, if:

9 (A) a modification is recommended as a result of
10 the peer review process under Section 508.1441; or

11 (B) parole approval rates differ significantly
12 from the range of recommended parole approval rates.

13 (d) [~~(f)~~] The board is not required to hold an open meeting
14 to review the parole guidelines and range of recommended parole
15 approval rates as required by Subsection (b) [~~(d)~~], but any
16 modifications or updates to the guidelines or range of recommended
17 parole approval rates made by the board under Subsection (c) [~~(e)~~]
18 must occur in an open meeting.

19 SECTION 16. Subchapter E, Chapter 508, Government Code, is
20 amended by adding Section 508.1441 to read as follows:

21 Sec. 508.1441. REVIEW OF DEVIATIONS; PEER REVIEW PANELS.

22 (a) The board shall conduct an annual review of the voting patterns
23 of each regional office and individual parole panel member to
24 identify the offices or members that have actual parole approval
25 rates in a fiscal year that deviate from the range of recommended
26 parole approval rates for a given category or score by more than
27 five percent either above or below the recommended range.

1 (b) The board shall develop and implement a peer review
2 process by which a panel will review the parole decisions of a
3 regional office identified by the board as deviating from the range
4 of recommended parole approval rates as described by Subsection
5 (a).

6 (c) The presiding officer shall designate the composition
7 of each peer review panel and shall designate panels composed of any
8 combination of board members and parole commissioners.

9 (d) In conducting a review, a peer review panel shall:

10 (1) review a reasonable sample of the cases of the
11 regional office under review that relate to the deviation;

12 (2) determine whether the deviation:

13 (A) was justified; or

14 (B) indicates a need for additional training, a
15 reexamination of the parole guidelines, or a modification of the
16 range of recommended parole approval rates to increase the
17 reliability, validity, or effectiveness of the guidelines or range;
18 and

19 (3) make recommendations to the regional office under
20 review to enable the office to more accurately align the office's
21 actual parole approval rates with the range of recommended parole
22 approval rates.

23 (e) A peer review panel shall provide the presiding officer
24 with a copy of any recommendations made under Subsection (d)(3).

25 (f) A regional office under review shall develop and submit
26 to the presiding officer for consideration and approval a plan to
27 implement recommendations made to the office under Subsection

1 (d)(3).

2 SECTION 17. Section 508.1445(b), Government Code, is
3 amended to read as follows:

4 (b) The report must include:

5 (1) a brief explanation of the parole guidelines,
6 including how the board:

7 (A) defines the risk factors and offense severity
8 levels; and

9 (B) determines the range of recommended parole
10 approval rates for each guideline score;

11 (2) a comparison of the range of recommended parole
12 approval rates under the parole guidelines to the actual approval
13 rates for individual parole panel members, regional offices, and
14 the state as a whole; ~~and~~

15 (3) a description of instances in which the actual
16 parole approval rates do not meet the range of recommended parole
17 approval rates under the parole guidelines, an explanation of the
18 variations, and a list of actions that the board has taken or will
19 take to meet the guidelines; and

20 (4) a summary of each peer review panel's
21 recommendations and the results of any approved actions taken to
22 implement those recommendations, as described by Section
23 508.1441(f).

24 SECTION 18. The heading to Section 508.152, Government
25 Code, is amended to read as follows:

26 Sec. 508.152. INDIVIDUAL TREATMENT PLAN [~~PROPOSED PROGRAM~~
27 ~~OF INSTITUTIONAL PROGRESS~~].

1 SECTION 19. Section 508.152, Government Code, is amended by
2 amending Subsections (b) and (d) and adding Subsections (b-1) and
3 (b-2) to read as follows:

4 (b) The department shall:

5 (1) establish for the inmate an individual treatment
6 plan [~~a proposed program of measurable institutional progress~~]; and

7 (2) submit the plan [~~proposed program~~] to the board at
8 the time of the board's consideration of the inmate's case for
9 release.

10 (b-1) The department shall include in an inmate's
11 individual treatment plan:

12 (1) a record of the inmate's institutional progress
13 that includes the inmate's participation in any program, including
14 an intensive volunteer program as defined by the department;

15 (2) the results of any assessment of the inmate,
16 including any assessment made using the risk and needs assessment
17 instrument adopted under Section 501.0921 and any vocational,
18 educational, or substance abuse assessment;

19 (3) the dates on which the inmate must participate in
20 any subsequent assessment; and

21 (4) all of the treatment and programming needs of the
22 inmate, prioritized based on the inmate's assessed needs.

23 (b-2) At least once in every 12-month period, the department
24 shall review each inmate's individual treatment plan to assess the
25 inmate's institutional progress and revise or update the plan as
26 necessary.

27 (d) Before the inmate is approved for release on parole, the

1 inmate must agree to participate in the programs and activities
2 described by the individual treatment plan [~~proposed program of~~
3 ~~measurable institutional progress~~].

4 SECTION 20. Section 508.281, Government Code, is amended by
5 adding Subsection (e) to read as follows:

6 (e) Any hearing required to be conducted by a parole panel
7 under this chapter may be conducted by a designated agent of the
8 board. The designated agent may make recommendations to a parole
9 panel that has responsibility for making a final determination.

10 SECTION 21. Chapter 509, Government Code, is amended by
11 adding Section 509.0041 to read as follows:

12 Sec. 509.0041. USE OF RISK AND NEEDS ASSESSMENT INSTRUMENT.
13 The division shall require each department to use the risk and needs
14 assessment instrument adopted by the Texas Department of Criminal
15 Justice under Section 501.0921 to assess each defendant at the time
16 of the defendant's initial placement on community supervision and
17 at other times as required by the comprehensive reentry and
18 reintegration plan adopted under Section 501.092.

19 SECTION 22. Section 509.010(b), Government Code, is amended
20 to read as follows:

21 (b) Before the 30th day before the date of the meeting, the
22 division, the department that the facility is to serve, or a vendor
23 proposing to operate the facility shall:

24 (1) publish by advertisement that is not less than
25 3-1/2 inches by 5 inches notice of the date, hour, place, and
26 subject of the hearing required by Subsection (a) in three
27 consecutive issues of a newspaper of, or in newspapers that

1 collectively have, general circulation in the county in which the
2 proposed facility is to be located; and

3 (2) mail a copy of the notice to each police chief,
4 sheriff, city council member, mayor, county commissioner, county
5 judge, school board member, state representative, and state senator
6 who serves or represents the area in which the proposed facility is
7 to be located, unless the proposed facility has been previously
8 authorized to operate at a particular location as part of a
9 community justice plan submitted by a community justice council
10 under Section 509.007 [~~76.003~~].

11 SECTION 23. Section 509.011(a), Government Code, is amended
12 to read as follows:

13 (a) If the division determines that a department complies
14 with division standards and if the community justice council has
15 submitted a community justice plan under Section 509.007 [~~76.003~~]
16 and the supporting information required by the division and the
17 division determines the plan and supporting information are
18 acceptable, the division shall prepare and submit to the
19 comptroller vouchers for payment to the department as follows:

20 (1) for per capita funding, a per diem amount for each
21 felony defendant directly supervised by the department pursuant to
22 lawful authority;

23 (2) for per capita funding, a per diem amount for a
24 period not to exceed 182 days for each defendant supervised by the
25 department pursuant to lawful authority, other than a felony
26 defendant; and

27 (3) for formula funding, an annual amount as computed

1 by multiplying a percentage determined by the allocation formula
2 established under Subsection (f) times the total amount provided in
3 the General Appropriations Act for payments under this subdivision.

4 SECTION 24. Chapter 509, Government Code, is amended by
5 adding Sections 509.013 and 509.014 to read as follows:

6 Sec. 509.013. GRANT PROGRAM ADMINISTRATION. (a) In this
7 section, "grant program" means a grant program administered by the
8 division through which the division awards grants to departments
9 through an application process.

10 (b) The division shall:

11 (1) establish goals for each grant program that are
12 consistent with the purposes described by Section 509.002 and the
13 mission of the division;

14 (2) establish grant application, review, award, and
15 evaluation processes;

16 (3) establish the process by which and grounds on
17 which an applicant may appeal a decision of the division regarding a
18 grant application;

19 (4) establish and maintain a system to routinely
20 monitor grant performance;

21 (5) establish and make available to the public:

22 (A) all criteria used in evaluating grant
23 applications; and

24 (B) all factors used to measure grant program
25 performance;

26 (6) publish on the division's Internet website for
27 each grant awarded:

- 1 (A) the amount awarded;
2 (B) the method used in scoring the grant
3 applications and the results of that scoring; and
4 (C) additional information describing the
5 methods used to make the funding determination; and
6 (7) require each department to submit
7 program-specific outcome data for the division's use in making
8 grant awards and funding decisions.

9 Sec. 509.014. STUDY REGARDING PERFORMANCE-BASED FUNDING.

10 (a) The division shall:

- 11 (1) review the funding formulas specified under
12 Section 509.011 and study the feasibility of adopting
13 performance-based funding formulas, including whether the formulas
14 should take into consideration an offender's risk level or other
15 appropriate factors in allocating funding; and
16 (2) make recommendations for modifying the current
17 funding formulas.

18 (b) In conducting the study and making recommendations
19 under Subsection (a), the division shall:

- 20 (1) seek input from departments, the judicial advisory
21 council established under Section 493.003(b), and other relevant
22 interest groups; and
23 (2) in consultation with the Legislative Budget Board,
24 determine the impact of any recommendations on the allocation of
25 the division's funds as projected by the Legislative Budget Board.

26 (c) The division shall include in the reports prepared under
27 Sections 509.004(c) and 509.016(c):

1 (1) the findings of the study;

2 (2) any recommendations regarding modifying the
3 funding formulas; and

4 (3) the projected impact of the recommendations on the
5 allocation of the division's funds.

6 SECTION 25. Article 42.01, Code of Criminal Procedure, is
7 amended by adding Section 11 to read as follows:

8 Sec. 11. In addition to the information described by
9 Section 1, the judgment should reflect whether a victim impact
10 statement was returned to the attorney representing the state
11 pursuant to Article 56.03(e).

12 SECTION 26. Article 56.03(e), Code of Criminal Procedure,
13 is amended to read as follows:

14 (e) Prior to the imposition of a sentence by the court in a
15 criminal case, the court~~[, if it has received a victim impact~~
16 ~~statement,]~~ shall, as applicable in the case, inquire as to whether
17 a victim impact statement has been returned to the attorney
18 representing the state and, if a victim impact statement has been
19 returned to the attorney representing the state, consider the
20 information provided in the statement. Before sentencing the
21 defendant, the court shall permit the defendant or the defendant's
22 ~~[his]~~ counsel a reasonable time to read the statement, excluding
23 the victim's name, address, and telephone number, comment on the
24 statement, and, with the approval of the court, introduce testimony
25 or other information alleging a factual inaccuracy in the
26 statement. If the court sentences the defendant to a term of
27 community supervision, the attorney representing the state ~~[court]~~

1 shall forward any victim's impact statement received in the case to
2 the community supervision and corrections department supervising
3 the defendant [~~, along with the papers in the case~~].

4 SECTION 27. Article 56.04, Code of Criminal Procedure, is
5 amended by adding Subsection (d-1) and amending Subsection (e) to
6 read as follows:

7 (d-1) The victim services division of the Texas Department
8 of Criminal Justice, in consultation with the Board of Pardons and
9 Paroles, law enforcement agencies, prosecutors' offices, and other
10 participants in the criminal justice system, shall develop
11 recommendations to ensure that completed victim impact statements
12 are submitted to the Texas Department of Criminal Justice as
13 provided by this chapter.

14 (e) On inquiry by the court, the attorney representing the
15 state [~~The victim assistance coordinator~~] shall make available
16 [~~send~~] a copy of a victim impact statement for consideration by [~~to~~]
17 the court sentencing the defendant. If the court sentences the
18 defendant to imprisonment in the Texas Department of Criminal
19 Justice, the court [~~it~~] shall attach the copy of the victim impact
20 statement to the commitment papers.

21 SECTION 28. Chapter 19, Education Code, is amended by
22 adding Section 19.0022 to read as follows:

23 Sec. 19.0022. SUNSET PROVISION. The Windham School District
24 is subject to review under Chapter 325, Government Code (Texas
25 Sunset Act). The district shall be reviewed during the period in
26 which the Texas Department of Criminal Justice is reviewed.

27 SECTION 29. Section 19.0041, Education Code, is amended to

1 read as follows:

2 Sec. 19.0041. PROGRAM DATA COLLECTION AND BIENNIAL
3 EVALUATION AND REPORT [~~OF TRAINING SERVICES~~]. (a) To evaluate the
4 effectiveness of its programs [~~training services provided to~~
5 ~~persons confined or imprisoned in the department~~], the Windham
6 School District shall [~~consult with the Legislative Budget Board~~
7 ~~to~~] compile and analyze information for each of its programs,
8 including performance-based information and data related to
9 academic, vocational training, and life skills programs [~~person who~~
10 ~~receives the training services~~]. This information shall include for
11 each person who participates in district programs an evaluation of:

- 12 (1) institutional disciplinary violations;
- 13 (2) subsequent arrests;
- 14 (3) subsequent convictions or confinements;
- 15 (4) the cost of confinement;
- 16 (5) educational achievement;
- 17 (6) high school equivalency examination passage;
- 18 (7) the kind of training services provided;
- 19 (8) [~~(2)~~] the kind of employment the person obtains on
20 release;
- 21 (9) [~~(3)~~] whether the employment was related to
22 training;
- 23 (10) [~~(4)~~] the difference between the amount of the
24 person's earnings on the date employment is obtained following
25 release and the amount of those earnings on the first anniversary of
26 that date; and
- 27 (11) [~~(5)~~] the retention factors associated with the

1 employment.

2 (b) The Windham School District shall use the information
3 compiled and analyzed under Subsection (a) to biennially:

4 (1) evaluate whether its programs meet the goals under
5 Section 19.003 and make changes to the programs as necessary; and

6 (2) [~~Legislative Budget Board shall~~] submit a [~~an~~
7 ~~annual~~] report to the board, the legislature, and the governor's
8 office [~~based on data compiled and analyzed under Subsection (a)~~].

9 (c) The Windham School District may enter into a memorandum
10 of understanding with the department, the Department of Public
11 Safety, and the Texas Workforce Commission to obtain and share data
12 necessary to evaluate district programs.

13 SECTION 30. The following provisions of the Government Code
14 are repealed:

15 (1) Section 493.009(i);

16 (2) Section 501.100; and

17 (3) Sections 501.148(c) and (d).

18 SECTION 31. Not later than October 1, 2013, each facility
19 under the oversight of the correctional institutions division of
20 the Texas Department of Criminal Justice shall establish a case
21 management committee as required by Section 493.031, Government
22 Code, as added by this Act.

23 SECTION 32. Not later than January 1, 2014:

24 (1) the Texas Department of Criminal Justice shall
25 adopt the comprehensive reentry and reintegration plan required by
26 Section 501.092, Government Code, as amended by this Act; and

27 (2) the executive director of the Texas Department of

1 Criminal Justice shall appoint representatives to serve on the
2 reentry task force as required by Section 501.098, Government Code,
3 as amended by this Act.

4 SECTION 33. Not later than September 1, 2016, the Texas
5 Department of Criminal Justice shall submit the first report
6 required by Section 501.092(i), Government Code, as added by this
7 Act.

8 SECTION 34. (a) Not later than January 31, 2014, the
9 governor shall appoint to the Correctional Managed Health Care
10 Committee one member from each of the first two medical schools, so
11 as to comply with the membership requirements of Section
12 501.133(a)(4), Government Code, as amended by this Act, based on an
13 alphabetical listing of the names of the medical schools.

14 (b) Not later than January 31, 2014, the governor shall
15 appoint to the Correctional Managed Health Care Committee two
16 members who are licensed health professionals, so as to comply with
17 the membership requirements of Section 501.133(a)(5), Government
18 Code, as added by this Act.

19 (c) Notwithstanding the terms of the members as provided by
20 Section 501.136(a), Government Code, as added by this Act, the
21 terms of the members appointed under this section expire February
22 1, 2017.

23 SECTION 35. Not later than the 30th day after the end of the
24 first quarter of fiscal year 2014, the Texas Department of Criminal
25 Justice shall submit the first report required by Section 501.1471,
26 Government Code, as added by this Act.

27 SECTION 36. Section 508.1411, Government Code, as added by

1 this Act, applies only to a decision of a parole panel made on or
2 after November 1, 2013. A decision of a parole panel made before
3 November 1, 2013, is governed by the law in effect immediately
4 before the effective date of this Act, and the former law is
5 continued in effect for that purpose.

6 SECTION 37. Not later than January 1, 2014, the Board of
7 Pardons and Paroles shall:

8 (1) establish the range of recommended parole approval
9 rates required by Section 508.144(a), Government Code, as amended
10 by this Act; and

11 (2) develop and begin implementation of the peer
12 review process required by Section 508.1441, Government Code, as
13 added by this Act.

14 SECTION 38. Not later than January 1, 2014, the community
15 justice assistance division of the Texas Department of Criminal
16 Justice shall adopt forms, establish procedures, and take other
17 actions necessary to comply with the requirements of Section
18 509.013, Government Code, as added by this Act.

19 SECTION 39. Not later than January 1, 2017, the community
20 justice assistance division of the Texas Department of Criminal
21 Justice shall include in the reports submitted under Sections
22 509.004(c) and 509.016(c), Government Code, the findings,
23 recommendations, and projected impact of recommendations from the
24 first study conducted under Section 509.014, Government Code, as
25 added by this Act.

26 SECTION 40. Before January 1, 2014, the victim services
27 division of the Texas Department of Criminal Justice shall develop

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1 the recommendations required by Article 56.04(d-1), Code of
2 Criminal Procedure, as added by this Act.

3 SECTION 41. This Act takes effect September 1, 2013.