

BILL ANALYSIS

C.S.H.B. 1930
By: White, James
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that community supervision and corrections departments have experienced difficulty in meeting certain recently enacted requirements relating to community justice plans, and the parties assert that these plans have evolved into meaningless, bureaucratic tasks for most of the departments. The parties note that the community supervision and corrections departments would prefer to use a simple process that actually assists in planning for current and future needs and services. C.S.H.B. 1930 seeks to remedy this situation by providing for an improved strategic planning process for these community supervision and corrections departments.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1930 amends the Government Code to replace the requirement that a community justice plan for a community supervision and corrections department be submitted by a community justice council as a condition to payment of state aid to a department or county and as a condition of eligibility for payment of emergency overcrowding relief with a requirement that a strategic plan instead be submitted by a community supervision and corrections department for the department as a condition to payment of the state aid only. The bill requires the plan to include a statement of goals and priorities and of commitment by a community supervision and corrections department rather than a statement of goals and priorities and of commitment by a community justice council and the department director. The bill removes certain state jail felony facility proposals from the required contents of a plan. The bill specifies that certain information in a plan regarding programs and services be summaries, rather than descriptions, of that information. The bill removes a requirement that the report prepared by the community justice assistance division of the Texas Department of Criminal Justice that summarizes certain programs and services, as described in the plan, provided by community supervision and corrections departments include certain specified financial information and information concerning certain state aid.

C.S.H.B. 1930 authorizes the establishment of a community justice council by a county commissioners court, unless certain entities that were in existence on September 1, 1991, are performing duties substantially similar to those imposed by statute on a community justice council, and removes the requirement that a community justice council be established by certain judges trying criminal cases in each judicial district or in the county or counties served by a

judicial district who are served by a community supervision and corrections department. The bill requires a community justice council to provide continuing policy guidance and direction for criminal justice planning, programs, and initiatives and removes the requirement that a council provide continuing policy guidance and direction for the development of community justice plans and community corrections facilities, programs, and conditions of community supervision.

C.S.H.B. 1930 specifies, for purposes of a statutory provision relating to state funds or guarantees for corrections facilities, that a community supervision and corrections department may authorize expenditures of certain provided funds if the district judge or district judges trying criminal cases in each judicial district and the statutory county court judges trying criminal cases in the county or counties served by a judicial district, rather than a community justice council, recommend the expenditure. The bill removes the requirement that a community justice council serving a community supervision and corrections department, a county, a municipality, or a combination involving more than one of those entities hold a public meeting before such an entity or combination of entities may take certain action under statutory provisions relating to state funds or guarantees for corrections facilities. The bill repeals statutory provisions conditioning the authority of a county commissioners court to enter into a contract for transfer facilities or to receive grants for such purposes and conditioning the authority of a county commissioners court or community supervision and corrections department to enter into a contract to operate, maintain, and manage state jail felony facilities on prior consultation with the community justice council serving the county or department, as applicable, and on the most recent community justice plan describing such a contract or grant.

C.S.H.B. 1930 repeals the following provisions of the Government Code:

- Section 499.151(d)
- Section 507.001(e)

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1930 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 76.002(a), Government Code, is amended.	SECTION 1. Same as introduced version.
No equivalent provision.	SECTION 2. Sections 76.003(a) and (b), Government Code, are amended to read as follows: (a) A community justice council <u>may</u> [must] be established by the <u>commissioners court of a county</u> [judges described by Section 76.002 who are served by a department] , unless a board or council that was in existence on September 1, 1991, is performing duties substantially similar to those imposed on a community justice council under this section. The council shall provide continuing policy guidance

and direction for criminal [~~the development of community~~] justice planning [~~plans and community corrections facilities~~], programs, and initiatives [~~conditions of community supervision~~].

(b) A council may [~~should~~] consist of the following persons or their designees:

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

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

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

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

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

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

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

(8) a district attorney or criminal district attorney from a judicial district served by the department, chosen by the district attorneys or criminal district attorneys from the judicial districts served by the department;

(9) an elected member of the board of trustees of an independent school district in a county served by the department, chosen by the members of the boards of trustees of independent school districts located in

counties served by the department; and
(10) the department director.

SECTION 2. Section 76.006(j),
Government Code, is amended.

SECTION 3. Same as introduced version.

SECTION 3. Section 76.010(c),
Government Code, is amended.

SECTION 4. Same as introduced version.

SECTION 4. Section 121.002(c),
Government Code, is amended.

SECTION 5. Same as introduced version.

SECTION 5. Section 509.001(1),
Government Code, is amended.

SECTION 6. Same as introduced version.

SECTION 6. Section 509.003(a),
Government Code, is amended.

SECTION 7. Same as introduced version.

SECTION 7. Sections 509.004(a) and (c),
Government Code, are amended.

SECTION 8. Same as introduced version.

SECTION 8. Section 509.007, Government
Code, is amended.

SECTION 9. Same as introduced version.

SECTION 9. Section 509.0071(a),
Government Code, is amended.

SECTION 10. Same as introduced version.

SECTION 10. Section 509.010(f),
Government Code, is amended.

SECTION 11. Same as introduced version.

SECTION 11. Sections 509.011(a) and (d),
Government Code, are amended.

SECTION 12. Same as introduced version.

SECTION 12. Sections 76.001(3), 76.003,
499.151(d), and 507.001(e), Government
Code, are repealed.

SECTION 13. Sections 499.151(d) and
507.001(e), Government Code, are
repealed.

SECTION 13. This Act takes effect
September 1, 2015.

SECTION 14. Same as introduced version.