

By: White of Tyler, Flynn

H.B. No. 1930

A BILL TO BE ENTITLED

AN ACT

relating to strategic planning for the operation of community supervision and corrections departments.

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

SECTION 1. Section 76.002(a), Government Code, is amended to read as follows:

(a) 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 the judicial district shall:

(1) establish a community supervision and corrections department; and

(2) approve the department's budget and strategic ~~[community justice]~~ plan.

SECTION 2. Sections 76.003(a) and (b), Government Code, are amended to read as follows:

(a) A community justice council may ~~[must]~~ be established by the commissioners court of a county ~~[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]~~

1 facilities], programs, and initiatives [~~conditions of community~~
2 ~~supervision~~].

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

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

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

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

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

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

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

27 (7) a county attorney with criminal jurisdiction from

1 a county served by the department, chosen by the county attorneys
2 with criminal jurisdiction from the counties served by the
3 department;

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

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

12 (10) the department director.

13 SECTION 3. Section 76.006(j), Government Code, is amended
14 to read as follows:

15 (j) The attorney general shall defend a statutory county
16 court judge in an action in state or federal court if:

17 (1) the cause of action is the result of the judge
18 performing a duty described by Section 76.002 [~~76.003~~] or 76.004;
19 and

20 (2) the judge requests the attorney general's
21 assistance in the defense.

22 SECTION 4. Section 76.010(c), Government Code, is amended
23 to read as follows:

24 (c) The department may authorize expenditures of funds
25 provided by the division to the department for the purposes of
26 providing facilities, equipment, and utilities for community
27 corrections facilities or state jail felony facilities if:

1 (1) the judges described by Section 76.002 recommend
2 [~~community justice council recommends~~] the expenditures; and

3 (2) the division, or the correctional institutions
4 division of the Texas Department of Criminal Justice in the case of
5 a state jail felony facility, provides funds for the purpose of
6 assisting in the establishment or improvement of the facilities.

7 SECTION 5. Section 121.002(c), Government Code, is amended
8 to read as follows:

9 (c) Notwithstanding any other law, a specialty court
10 program may not operate until the judge, magistrate, or
11 coordinator:

12 (1) provides to the criminal justice division of the
13 governor's office:

14 (A) written notice of the program;

15 (B) any resolution or other official declaration
16 under which the program was established; and

17 (C) a copy of the applicable strategic [~~community~~
18 ~~justice~~] plan that incorporates duties related to supervision that
19 will be required under the program; and

20 (2) receives from the division written verification of
21 the program's compliance with Subdivision (1).

22 SECTION 6. Section 509.001(1), Government Code, is amended
23 to read as follows:

24 (1) "Community corrections facility" means a physical
25 structure, established by the judges described by Section 76.002
26 after authorization of the establishment of the structure has been
27 included in a department's strategic [~~the local community justice~~]

1 plan, that is operated by the [~~a~~] department or operated for the [~~a~~]
2 department by an entity under contract with the department, for the
3 purpose of treating persons who have been placed on community
4 supervision or who are participating in a drug court program
5 established under Chapter 123 or former law and providing services
6 and programs to modify criminal behavior, deter criminal activity,
7 protect the public, and restore victims of crime. The term
8 includes:

- 9 (A) a restitution center;
- 10 (B) a court residential treatment facility;
- 11 (C) a substance abuse treatment facility;
- 12 (D) a custody facility or boot camp;
- 13 (E) a facility for an offender with a mental
14 impairment, as defined by Section 614.001, Health and Safety Code;
15 and
- 16 (F) an intermediate sanction facility.

17 SECTION 7. Section 509.003(a), Government Code, is amended
18 to read as follows:

19 (a) The division shall propose and the board shall adopt
20 reasonable rules establishing:

21 (1) minimum standards for programs, community
22 corrections facilities and other facilities, equipment, and other
23 aspects of the operation of departments;

24 (2) a list and description of core services that
25 should be provided by each department;

26 (3) methods for measuring the success of community
27 supervision and corrections programs, including methods for

1 measuring rates of diversion, program completion, and recidivism;

2 (4) a format for strategic [~~community justice~~] plans;

3 and

4 (5) minimum standards for the operation of substance
5 abuse facilities and programs funded through the division.

6 SECTION 8. Sections 509.004(a) and (c), Government Code,
7 are amended to read as follows:

8 (a) The division shall require each department to:

9 (1) keep financial and statistical records determined
10 necessary by the division;

11 (2) submit a strategic [~~community justice~~] plan and
12 all supporting information requested by the division;

13 (3) present data requested by the division as
14 necessary to determine the amount of state aid for which the
15 department is eligible;

16 (4) submit periodic financial audits and statistical
17 reports to the division; and

18 (5) submit to the Department of Public Safety the full
19 name, address, date of birth, social security number, and driver's
20 license number of each person restricted to the operation of a motor
21 vehicle equipped with a device that uses a deep-lung breath
22 analysis mechanism to make impractical the operation of the motor
23 vehicle if ethyl alcohol is detected in the breath of the restricted
24 operator.

25 (c) The division shall prepare a report that contains a
26 [~~detailed~~] summary of the programs and services provided by
27 departments, as described in each strategic [~~community justice~~]

1 plan submitted to the division under Section 509.007. [~~The report~~
2 ~~must include:~~

3 [~~(1) all financial information relating to the~~
4 ~~programs and services described in each community justice plan; and~~

5 [~~(2) information concerning the amount of state aid~~
6 ~~and funding that is not state aid used to support each program or~~
7 ~~service provided by a department.]~~

8 SECTION 9. Section 509.007, Government Code, is amended to
9 read as follows:

10 Sec. 509.007. STRATEGIC [~~COMMUNITY JUSTICE~~] PLAN. (a) The
11 division shall require as a condition to payment of state aid to a
12 department or county under Section 509.011 [~~and eligibility for~~
13 ~~payment of costs under Section 499.124]~~ that a strategic [~~community~~
14 ~~justice]~~ plan be submitted for the department. The department
15 [~~community justice council]~~ shall submit the plan required by this
16 subsection. A department [~~community justice council]~~ may not
17 submit a plan under this section unless the plan is first approved
18 by the judges described by Section 76.002 who established the
19 department [~~served by the council~~]. The department [~~council~~]
20 shall submit a revised plan to the division each even-numbered year
21 not later than March 1. A plan may be amended at any time with the
22 approval of the division.

23 (b) A strategic [~~community justice~~] plan required under
24 this section must include:

25 (1) a statement of goals and priorities and of
26 commitment by the department and [~~community justice council~~], the
27 judges described by Section 76.002 who established the department [7

1 ~~and the department director]~~ to achieve a targeted level of
2 alternative sanctions;

3 (2) a description of methods for measuring the success
4 of programs provided by the department or provided by an entity
5 served by the department;

6 (3) a summary [~~proposal for the use of state jail~~
7 ~~felony facilities and, at the discretion of the community justice~~
8 ~~council, a regional proposal for the construction, operation,~~
9 ~~maintenance, or management of a state jail felony facility by a~~
10 ~~county, a community supervision and corrections department, or a~~
11 ~~private vendor under a contract with a county or a community~~
12 ~~supervision and corrections department,~~

13 [~~(4) a description]~~ of the programs and services the
14 department provides or intends to provide, including a separate
15 summary [~~description]~~ of:

16 (A) any services the department intends to
17 provide in relation to a specialty court program; and

18 (B) any programs or other services the department
19 intends to provide to enhance public safety, reduce recidivism,
20 strengthen the investigation and prosecution of criminal offenses,
21 improve programs and services available to victims of crime, and
22 increase the amount of restitution collected from persons
23 supervised by the department; and

24 (4) [~~(5)~~] an outline of the department's projected
25 programmatic and budgetary needs, based on the programs and
26 services the department both provides and intends to provide.

27 SECTION 10. Section [509.0071\(a\)](#), Government Code, is

1 amended to read as follows:

2 (a) In addition to submitting a strategic [~~community~~
3 ~~justice~~] plan to the division under Section 509.007, a department
4 or a regional partnership of departments may submit a commitment
5 reduction plan to the division not later than the 60th day after the
6 date on which the time for gubernatorial action on the state budget
7 has expired under Section 14, Article IV, Texas Constitution.

8 SECTION 11. Section 509.010(f), Government Code, is amended
9 to read as follows:

10 (f) A department, a county, a municipality, or a combination
11 involving more than one of those entities may not take an action
12 under Section 76.010 unless the [~~community justice council serving~~
13 ~~the~~] entity or entities hold [~~holds~~] a public meeting before the
14 action is taken, with notice provided and the hearing to be held in
15 the same manner as provided by Subsections (a) through (e).

16 SECTION 12. Sections 509.011(a) and (d), Government Code,
17 are amended to read as follows:

18 (a) If the division determines that a department complies
19 with division standards and if the department [~~community justice~~
20 ~~council~~] has submitted a strategic [~~community justice~~] plan under
21 Section 509.007 and the supporting information required by the
22 division and the division determines the plan and supporting
23 information are acceptable, the division shall prepare and submit
24 to the comptroller vouchers for payment to the department as
25 follows:

26 (1) for per capita funding, a per diem amount for each
27 felony defendant directly supervised by the department pursuant to

1 lawful authority;

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

6 (3) for formula funding, an annual amount as computed
7 by multiplying a percentage determined by the allocation formula
8 established under Subsection (f) times the total amount provided in
9 the General Appropriations Act for payments under this subdivision.

10 (d) The division shall provide state aid to each department
11 on a biennial basis, pursuant to the strategic [~~community justice~~]
12 plan for the biennium submitted by the department. A department
13 with prior division approval may transfer funds from one program or
14 function to another program or function.

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

17 SECTION 14. This Act takes effect September 1, 2015.