

By: White of Tyler

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

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

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

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

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

1 to read as follows:

2 (c) The department may authorize expenditures of funds
3 provided by the division to the department for the purposes of
4 providing facilities, equipment, and utilities for community
5 corrections facilities or state jail felony facilities if:

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

8 (2) the division, or the correctional institutions
9 division of the Texas Department of Criminal Justice in the case of
10 a state jail felony facility, provides funds for the purpose of
11 assisting in the establishment or improvement of the facilities.

12 SECTION 4. Section 121.002(c), Government Code, is amended
13 to read as follows:

14 (c) Notwithstanding any other law, a specialty court
15 program may not operate until the judge, magistrate, or
16 coordinator:

17 (1) provides to the criminal justice division of the
18 governor's office:

19 (A) written notice of the program;

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

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

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

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

1 to read as follows:

2 (1) "Community corrections facility" means a physical
3 structure, established by the judges described by Section 76.002
4 after authorization of the establishment of the structure has been
5 included in a department's strategic [~~the local community justice~~]
6 plan, that is operated by the [~~a~~] department or operated for the [~~a~~]
7 department by an entity under contract with the department, for the
8 purpose of treating persons who have been placed on community
9 supervision or who are participating in a drug court program
10 established under Chapter 123 or former law and providing services
11 and programs to modify criminal behavior, deter criminal activity,
12 protect the public, and restore victims of crime. The term
13 includes:

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

22 SECTION 6. Section 509.003(a), Government Code, is amended
23 to read as follows:

24 (a) The division shall propose and the board shall adopt
25 reasonable rules establishing:

26 (1) minimum standards for programs, community
27 corrections facilities and other facilities, equipment, and other

1 aspects of the operation of departments;

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

4 (3) methods for measuring the success of community
5 supervision and corrections programs, including methods for
6 measuring rates of diversion, program completion, and recidivism;

7 (4) a format for strategic [~~community justice~~] plans;
8 and

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

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

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

14 (1) keep financial and statistical records determined
15 necessary by the division;

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

18 (3) present data requested by the division as
19 necessary to determine the amount of state aid for which the
20 department is eligible;

21 (4) submit periodic financial audits and statistical
22 reports to the division; and

23 (5) submit to the Department of Public Safety the full
24 name, address, date of birth, social security number, and driver's
25 license number of each person restricted to the operation of a motor
26 vehicle equipped with a device that uses a deep-lung breath
27 analysis mechanism to make impractical the operation of the motor

1 vehicle if ethyl alcohol is detected in the breath of the restricted
2 operator.

3 (c) The division shall prepare a report that contains a
4 ~~[detailed]~~ summary of the programs and services provided by
5 departments, as described in each strategic ~~[community justice]~~
6 plan submitted to the division under Section 509.007. ~~[The report~~
7 ~~must include:~~

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

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

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

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

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

3 (1) a statement of goals and priorities and of
4 commitment by the department and [~~community justice council,~~] the
5 judges described by Section 76.002 who established the department [~~7~~
6 ~~and the department director~~] to achieve a targeted level of
7 alternative sanctions;

8 (2) a description of methods for measuring the success
9 of programs provided by the department or provided by an entity
10 served by the department;

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

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

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

23 (B) any programs or other services the department
24 intends to provide to enhance public safety, reduce recidivism,
25 strengthen the investigation and prosecution of criminal offenses,
26 improve programs and services available to victims of crime, and
27 increase the amount of restitution collected from persons

1 supervised by the department; and

2 (4) [~~(5)~~] an outline of the department's projected
3 programmatic and budgetary needs, based on the programs and
4 services the department both provides and intends to provide.

5 SECTION 9. Section 509.0071(a), Government Code, is amended
6 to read as follows:

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

13 SECTION 10. Section 509.010(f), Government Code, is amended
14 to read as follows:

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

21 SECTION 11. Sections 509.011(a) and (d), Government Code,
22 are amended to read as follows:

23 (a) If the division determines that a department complies
24 with division standards and if the department [~~community justice~~
25 ~~council~~] has submitted a strategic [~~community justice~~] plan under
26 Section 509.007 and the supporting information required by the
27 division and the division determines the plan and supporting

1 information are acceptable, the division shall prepare and submit
2 to the comptroller vouchers for payment to the department as
3 follows:

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

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

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

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

20 SECTION 12. Sections 76.001(3), 76.003, 499.151(d), and
21 507.001(e), Government Code, are repealed.

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