

BILL ANALYSIS

Senate Research Center

S.B. 1399
By: Whitmire
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1399 amends Section 18 of the Code of Criminal Procedure, which authorizes community corrections and supervision departments to utilize their programs for defendants that a court orders to participate in a pre-trial diversion programs established under Section 76.011, Government Code.

This section was last amended in the late 1990s to allow judges to order participants in a drug court program to receive treatment services and supervision by a community corrections department that the judges oversee.

This addition expands the continuum of treatment and supervision that a community corrections and supervision department may provide. It is permissive and a matter of local decisions by judges, the district attorney, and the director of the community supervision and corrections department.

As proposed, S.B. 1399 amends current law relating to the creation of a pretrial drug diversion program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1.

Sec. 18. COMMUNITY CORRECTIONS FACILITIES.

- (a) Defines "community corrections facility."
- (b) Prohibits the term, if a judge requires as a condition of community supervision, participation in a drug court program established under Chapter 123 (Drug Court Programs), Government Code, participation in or a pretrial diversion program established under Section 76.011 (Operation of Certain Services and Programs), Government Code, or former law that the defendant serve a term in a community corrections facility, from being more than 24 months.
- (c) Makes no changes to this subsection.
- (d) Requires the community corrections facility director, as directed by the judge, to file with the community supervision and corrections department director, administrator of a pretrial diversion program, or administrator of a drug court program, as applicable, a copy of a certain evaluation made by the facility director. Requires the community supervision and corrections department director, administrator of a pretrial diversion program, or program administrator to examine the evaluation, make certain written comments on the evaluation, and file the evaluation and comments with the judge who granted community

supervision to the defendant, placed the defendant in a pretrial diversion program, or placed the defendant in a drug court program. Authorizes the court to release the defendant from the community corrections facility if the evaluation indicates that the defendant has made significant progress toward compliance with court-ordered conditions of community supervision or objectives of placement in the drug court or pretrial diversion program, as applicable.

(e) through (i) Makes no changes to this subsections.

SECTION 2. Effective date: upon passage or September 1, 2017.