

By: Parker

H.B. No. 3130

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of an educational and vocational training pilot program for certain state jail felony defendants.

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

SECTION 1. Subchapter L, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.562 to read as follows:

Art. 42A.562. PLACEMENT ON COMMUNITY SUPERVISION; EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM. (a) A judge assessing punishment in a state jail felony case may suspend the imposition of the sentence and place the defendant on community supervision with the conditions that the defendant:

(1) submit at the beginning of the term of community supervision to confinement in a state jail felony facility for a term of 90 days; and

(2) participate in a program operated under Section 507.007, Government Code.

(b) Notwithstanding Article 42A.559(c), the judge shall credit against the time the defendant is required to serve under Subsection (a)(1) time the defendant served in a county jail from the time of the defendant's arrest until sentencing.

(c) Notwithstanding the minimum period of community supervision provided by Article 42A.553(a), a judge placing a defendant on community supervision under this article shall impose a period of community supervision of 270 days.

1        (d) After receiving a notification from the Texas  
2 Department of Criminal Justice under Section 507.008, Government  
3 Code, that the department has determined that a defendant confined  
4 as required by Subsection (a)(1) is not eligible to participate in  
5 the program described by Subsection (a)(2), the judge shall:

6            (1) modify the defendant's conditions to remove the  
7 defendant's scheduled participation in the program; or

8            (2) file a statement of the judge's reasons for not  
9 modifying the condition as described by Subdivision (1) with the  
10 papers in the case.

11        SECTION 2. Subchapter A, Chapter 507, Government Code, is  
12 amended by adding Sections 507.007 and 507.008 to read as follows:

13        Sec. 507.007. EDUCATIONAL AND VOCATIONAL TRAINING PILOT  
14 PROGRAM. (a) The department shall establish a pilot program to  
15 provide educational and vocational training, employment, and  
16 reentry services to defendants placed on community supervision and  
17 required to serve a term of confinement in a state jail felony  
18 facility under Article 42A.562, Code of Criminal Procedure.

19        (b) The department, in consultation with interested  
20 parties, shall determine the eligibility criteria for a defendant  
21 to participate in the pilot program, including requiring the  
22 defendant to:

23            (1) cooperate with the department for purposes of  
24 completing the risk and needs assessment instrument adopted under  
25 Section 501.0921; and

26            (2) arrange for suitable housing while participating  
27 in the program.

1       (c) The department, in consultation with interested  
2 parties, shall determine four locations in this state in which the  
3 pilot program will operate. In determining the locations, the  
4 department shall consider locating the program in various regions  
5 throughout the state, including locations having a variety of  
6 population sizes. The department shall also give consideration to  
7 the degree to which local judges show support for the establishment  
8 of the program in a particular location.

9       (d) The department shall issue a request for proposals from  
10 public or private entities to provide services through the pilot  
11 program. The department shall select one or more qualified  
12 applicants to provide services through the pilot program to  
13 eligible defendants.

14       (e) The pilot program consists of 180 days of  
15 employment-related services and support and must include:

16               (1) an initial period of 90 days during which the  
17 defendant will:

18                       (A) receive training and education related to the  
19 defendant's vocational goals; and

20                       (B) be employed by the provider;

21               (2) job placement services designed to provide  
22 employment for the defendant after the period described by  
23 Subdivision (1);

24               (3) assistance in obtaining a high school diploma or  
25 industry certification for applicable defendants;

26               (4) life-skills training, including information about  
27 budgeting and money management; and

1           (5) counseling and mental health services.

2           (f) The department shall use the cost savings to the  
3 department as a result of the release of defendants on community  
4 supervision under Article 42A.562, Code of Criminal Procedure, to  
5 pay providers not less than \$40 per day for each participant.

6           Sec. 507.008. IDENTIFICATION OF PILOT PROGRAM  
7 PARTICIPANTS. (a) As soon as practicable after a defendant  
8 required to submit to confinement under Article 42A.562(a)(1), Code  
9 of Criminal Procedure, is received into the custody of a state jail  
10 felony facility, the department shall assess the defendant with the  
11 risk and needs assessment instrument adopted under Section 501.0921  
12 to assess the defendant's suitability for participation in the  
13 pilot program established under Section 507.007.

14           (b) Not later than the 20th day before the date the  
15 defendant will complete the term of confinement imposed under  
16 Article 42A.562(a)(1), Code of Criminal Procedure, the department  
17 shall:

18                   (1) determine, based on the results of the assessment  
19 conducted under Subsection (a), the defendant's conduct while  
20 confined, and any other relevant information, whether the defendant  
21 meets the eligibility criteria for participation in the pilot  
22 program established under Section 507.007; and

23                   (2) if the department determines that the defendant is  
24 not eligible, notify the sentencing court of that fact.

25           SECTION 3. Not later than June 1, 2018, the Texas Department  
26 of Criminal Justice shall establish the pilot program required by  
27 Section 507.007, Government Code, as added by this Act.

1           SECTION 4. Article 42A.562, Code of Criminal Procedure, as  
2 added by this Act, applies only to a defendant who receives a  
3 sentence of confinement in a state jail on or after June 1, 2018. A  
4 defendant who receives a sentence of confinement in a state jail  
5 before June 1, 2018, is governed by the law in effect immediately  
6 before the effective date of this Act, and the former law is  
7 continued in effect for that purpose.

8           SECTION 5. This Act takes effect September 1, 2017.