

By: Whitmire

S.B. No. 1399

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a pretrial drug diversion program

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

SECTION 1.

Sec. 18. COMMUNITY CORRECTIONS FACILITIES.

(a) In this section, "community corrections facility" has the meaning assigned by Section 509.001, Government Code.

(b) If a judge requires as a condition of community supervision, ~~for~~ participation in a drug court program established under Chapter 123, Government Code, participation in or a pretrial diversion program established under Section 76.011, Government Code, or former law that the defendant serve a term in a community corrections facility, the term may not be more than 24 months.

(c) A defendant granted community supervision under this section may not earn good conduct credit for time spend in a community corrections facility or apply time spent in the facility toward completion of a prison sentence if the community supervision is revoked.

(d) As directed by the judge, the community corrections facility director shall 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 an evaluation made by the facility director of the defendant's behavior and attitude at the facility. The

1 community supervision and corrections department director,
2 administrator of a pretrial diversion program, or program
3 administrator shall examine the evaluation, make written comments
4 on the evaluation that the director or administrator considers
5 relevant, and file the evaluation and comments with the judge who
6 granted community supervision to the defendant, placed the
7 defendant in a pretrial diversion program, or placed the defendant
8 in a drug court program. If the evaluation indicates that the
9 defendant has made significant progress toward compliance with
10 court-ordered conditions of community supervision or objectives of
11 placement in the drug court or pretrial diversion program, as
12 applicable, the court may release the defendant from the community
13 corrections facility. A defendant who served a term in the facility
14 as a condition of community supervision shall serve the remainder
15 of the defendant's community supervision under any terms and
16 conditions the court imposes under this article.

17 (e) No later than 18 months after the date on which a
18 defendant is granted community supervision under this section, the
19 community corrections facility director shall file with the
20 community supervision and corrections department director a copy of
21 an evaluation made by the director of the defendant's behavior and
22 attitude at the center. The director shall examine the evaluation,
23 make written comments on the evaluation that he considers relevant,
24 and file the evaluation and comments with the judge who granted
25 community supervision to the defendant. If the report indicates
26 that the defendant has made significant progress toward
27 court-ordered conditions of community supervision, the judge shall

1 modify the judge's sentence and release the defendant in the same
2 manner as provided by Subsection (d) of this section. If the report
3 indicates that the defendant would benefit from continued
4 participation in the community corrections facility program, the
5 judge may order the defendant to remain at the community
6 corrections facility for a period determined by the judge. If the
7 report indicates that the defendant has not made significant
8 progress toward rehabilitation, the judge may revoke community
9 supervision and order the defendant to the term of confinement
10 specified in the defendant's sentence.

11 (f) If ordered by the judge who placed the defendant on
12 community supervision, a community corrections facility director
13 shall attempt to place a defendant as a worker in a
14 community-service project of a type described by Section 16 of this
15 article.

16 (g) A defendant participating in a program under this
17 article shall be confined in the community corrections facility at
18 all times except for:

19 (1) time spent attending and traveling to and from an
20 education or rehabilitation program as ordered by the court;

21 (2) time spent attending and traveling to and from a
22 community-service project;

23 (3) time spent away from the facility for purposes
24 described by this section; and

25 (4) time spent traveling to and from work, if
26 applicable.

27 (h) A judge that requires as a condition of community

1 supervision that the defendant serve a term in a community
2 corrections facility may not impose a subsequent term in a
3 community corrections facility or jail during the same supervision
4 period that, when added to the terms previously imposed, exceeds 36
5 months.

6 (i) If a judge who places a defendant on community
7 supervision under this section does not require the defendant to
8 deliver the defendant's salary to the restitution center director,
9 the employer of the defendant shall deliver the salary to the
10 director. The director shall deposit the salary into a fund to be
11 given to the defendant on release after deducting:

12 (1) the cost to the center for the defendant's food,
13 housing, and supervision;

14 (2) necessary travel expense to and from work and
15 community-service projects and other incidental expenses of the
16 defendant;

17 (3) support of the defendant's dependants; and

18 (4) restitution to the victims of an offense committed
19 by the defendant.

20 SECTION 2. This act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2017.