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By:  Dominguez H.B. No. 4044

A BILL TO BE ENTITLED

AN ACT

relating to the funding of community supervision and corrections departments.

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

SECTION 1.  Section 509.011, Government Code, is amended by amending Subsections (a), (e), and (f) and adding Subsections (e-1), (f-1), and (i) to read as follows:

(a)  If the division determines that a department complies with division standards and if the department has submitted a strategic plan under Section 509.007 and the supporting information required by the division and the division determines the plan and supporting information are acceptable, the division shall prepare and submit to the comptroller vouchers for payment to the department as follows:

(1)  for per capita funding, a per diem amount based on the formula established under Subsection (e) for each felony defendant who is [~~directly~~] supervised by the department pursuant to lawful authority and:

(A)  placed on community supervision; or

(B)  participating in a pretrial service or intervention program;

(2)  for per capita funding, a per diem amount based on the formula established under Subsection (e) for a period not to exceed 182 days for each misdemeanor defendant who is supervised by the department pursuant to lawful authority and placed on community supervision [~~, other than a felony defendant~~]; and

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

(e)  The division annually shall establish a per capita funding formula to determine the percentage of the total amount provided in the General Appropriations Act for payments under Subsections (a)(1) and (2) that each department is entitled to receive. For purposes of funding distributed for a defendant described by Subsection (a)(1)(A), the formula must include:

(1)  a higher per capita funding rate for the supervision of a defendant during the earliest period of the defendant's community supervision term than the rate for the supervision of a defendant during a later period of the defendant's community supervision term;

(2)  provisions to decrease per capita funding for each defendant supervised by a department who has the defendant's community supervision revoked due to a technical violation of a condition of community supervision; and

(3)  provisions to award additional per capita funding based on each defendant supervised by a department who receives a discharge following an early termination of community supervision under Article 42A.111 or 42A.701, Code of Criminal Procedure, as applicable.

(e-1)  In establishing the per capita funding formula under Subsection (e) [~~per diem payments authorized by Subsections (a)(1) and (a)(2)~~], the division shall consider the amounts appropriated in the General Appropriations Act for basic supervision as sufficient to provide basic supervision in each year of the fiscal biennium.

(f)  The division annually shall compute for each department for community corrections program formula funding a percentage determined by assigning equal weights to the percentage of the state's population residing in the counties served by the department and the department's percentage of all felony defendants in the state under direct community supervision. The division shall use the most recent information available in making computations under this subsection.

(f-1)  The board by rule may adopt a policy limiting for all departments the percentage of benefit or loss that may be realized as a result of the operation of a [~~the~~] formula established under Subsection (e) or (f).

(i)  In this section, "technical violation" means any violation of a condition of community supervision committed by a defendant other than a violation that involves:

(1)  being arrested for, charged with, or convicted of an offense:

(A)  punishable as a felony; or

(B)  under Title 5, Penal Code, that is punishable as a misdemeanor;

(2)  the operation of a motor vehicle in a public place while intoxicated, regardless of whether the defendant was arrested for, charged with, or convicted of an offense based on that conduct;

(3)  a failure to report to a supervision officer as directed for 90 days or more if the supervision officer or a peace officer or other officer attempted to contact the defendant in person at the defendant's last known residential or employment address; or

(4)  leaving the state without permission.

SECTION 2.  Section 509.014(a), Government Code, is amended to read as follows:

(a)  The division shall:

(1)  review the funding formulas specified under Section 509.011 and study the feasibility of adopting additional performance-based components [~~funding formulas~~], including whether the formulas should take into consideration an offender's risk level or other appropriate factors in allocating funding; and

(2)  make recommendations for modifying the current funding formulas.

SECTION 3.  (a) Not later than January 1, 2020, the community justice assistance division of the Texas Department of Criminal Justice shall establish the per capita funding formula required by Section 509.011(e), Government Code, as amended by this Act, that is to be used for the state fiscal year beginning September 1, 2020.

(b)  Section 509.011, Government Code, as amended by this Act, applies only to a payment based on an appropriation made for any state fiscal year beginning on or after September 1, 2020.

SECTION 4.  This Act takes effect September 1, 2019.