

By: Dominguez

H.B. No. 4044

Substitute the following for H.B. No. 4044:

By: White

C.S.H.B. No. 4044

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the funding of community supervision and corrections
3 departments.

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

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

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

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

19 (A) placed on community supervision; or
20 (B) participating in a pretrial diversion or
21 intervention program;

22 (2) for per capita funding, a per diem amount based on
23 the formula established under Subsection (e) for a period not to
24 exceed 182 days for each misdemeanor defendant who is supervised by

1 the department pursuant to lawful authority and placed on community
2 supervision [~~, other than a felony defendant~~]; and

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

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

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

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

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

27 (e-1) In establishing the per capita funding formula under

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

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

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

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

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

23 (A) punishable as a felony; or

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

26 (2) the operation of a motor vehicle in a public place
27 while intoxicated, regardless of whether the defendant was arrested

1 for, charged with, or convicted of an offense based on that conduct;

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

7 (4) leaving the state without permission.

8 SECTION 2. Chapter 509, Government Code, is amended by
9 adding Section 509.0111 to read as follows:

10 Sec. 509.0111. GOALS REGARDING COMMITMENT REDUCTION. (a)
11 In implementing Sections 509.011(a)(1)(B), (b), and (e), the
12 division shall seek to:

13 (1) reduce the number of persons committed to the
14 Texas Department of Criminal Justice relative to crime and arrest
15 rates;

16 (2) reduce the number of defendants supervised by
17 departments;

18 (3) increase the rate of defendants' successful
19 completion of pretrial diversion programs or community supervision
20 relative to defendants' risk level;

21 (4) reduce the revocation rate of defendants placed on
22 community supervision; and

23 (5) reduce the recidivism rate of defendants
24 participating in pretrial diversion programs or placed on community
25 supervision.

26 (b) The division annually shall submit a report to the
27 governor, lieutenant governor, speaker of the house of

1 representatives, and each member of the legislature on the
2 division's efforts under Subsection (a), including the extent to
3 which progress has been made toward meeting the goals described by
4 that subsection.

5 (c) The division shall establish standards related to the
6 use of state aid for pretrial diversion programs in accordance with
7 the goals described by Subsection (a) and may discontinue the
8 payment of state aid to a recipient under those programs on the
9 basis of a repeated failure to achieve those goals.

10 (d) This section expires September 1, 2023.

11 SECTION 3. Section 509.014(a), Government Code, is amended
12 to read as follows:

13 (a) The division shall:

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

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

21 SECTION 4. (a) Not later than January 1, 2020, the
22 community justice assistance division of the Texas Department of
23 Criminal Justice shall establish the per capita funding formula
24 required by Section 509.011(e), Government Code, as amended by this
25 Act, that is to be used for the state fiscal year beginning
26 September 1, 2020.

27 (b) Section 509.011, Government Code, as amended by this

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1 Act, applies only to a payment based on an appropriation made for
2 any state fiscal year beginning on or after September 1, 2020.

3 SECTION 5. This Act takes effect September 1, 2019.