

By: Dominguez

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

10 (a) The division shall:

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

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

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

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

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