BILL ANALYSIS

C.S.H.B. 2442
By: White
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, jurisdictions that divert offenders to community supervision or other alternatives to incarceration end up paying more money than if the offender was sent to the state prison system, despite the fact that prison costs significantly more than probation. In addition, people on community supervision are often overwhelmed by fees and costs that they cannot afford to pay, which sets them up for failure and creates yet another pathway to incarceration. C.S.H.B. 2442 seeks to address these issues by providing for the creation of a justice reinvestment incentive program to reduce the number of persons committed to the Texas Department of Criminal Justice.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2442 amends the Local Government Code to authorize local authorities in a county, as defined by the bill, to create and implement a two-year justice reinvestment plan to reduce the following:

- the number of persons from the county who are convicted of felony offenses and committed to the Texas Department of Criminal Justice (TDCJ); and
- the number of incarceration years to which persons from the county are sentenced to serve in a facility operated by or under contract with TDCJ.

The bill authorizes a justice reinvestment plan to include the following strategies:

- increased use of pre-arrest or pretrial diversion programs;
- increased use of community supervision programs;
- improvements to indigent defense programs; and
- any other law enforcement or prosecutorial strategy designed to reduce incarceration.

C.S.H.B. 2442 authorizes a county, if a justice reinvestment plan operating for a two-year period results in a reduction in the number of persons from the county who are convicted of felony offenses and committed to TDCJ by not less than 25 percent as compared to the two-year period preceding January 1, 2020, to apply to the comptroller of public accounts for an award of money in an amount equal to 90 percent of the amount of the actual cost savings to the state due to the reduction. The bill sets out the required contents of the application and requires the comptroller, if the comptroller finds that the county has implemented a justice reinvestment plan that meets the incentive requirements, to award to the county the applicable incentive amount. The bill requires at least one-half of each incentive award to be used to offset supervision-related court costs or fees assessed against persons placed on pretrial supervision or community supervision.

C.S.H.B. 2442 requires the comptroller to make available a report describing the justice reinvestment plans for which awards have been issued. The bill requires the comptroller to adopt rules to implement the bill's provisions and authorizes the comptroller to use any available funds to implement those provisions.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2442 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original authorized a county, if a plan operating for a two-year period results in a reduction in the number of felony convictions and persons committed to TDCJ by not less than 40 percent as compared to the two-year period preceding January 1, 2020, to apply to the criminal justice division of the governor's office for an award of money, whereas the substitute authorizes a county, if the plan results in a reduction of those numbers by not less than 25 percent as compared to that period, to apply to the comptroller for the award.

The substitute changes from the division to the comptroller the entity required to award to a county the applicable incentive amount, produce the report, and adopt rules to implement the bill's provisions. The substitute includes an authorization absent from the original for the comptroller to use any available funds to implement the bill's provisions.

The substitute does not include a definition for "division," which was present in the original.