

BILL ANALYSIS

C.S.H.B. 2793
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that inmates cannot enroll into programs whose completion is necessary for release on parole until after they have been approved for release by a parole panel, due to the structure and timing of certain decision-making processes regarding parole and rehabilitative treatment. Not only are the years before parole panel decisions wasted opportunities to rehabilitate individuals, but this process prolongs individuals' incarceration, which contributes to prison overcrowding and costs taxpayers money. Providing earlier opportunities for treatment programs, such as substance use treatment and other interventions, is critical to informing more accurate parole release decisions, creating more opportunities for successful reentry into the community and improving public safety. C.S.H.B. 2793 makes several changes that integrate treatment and the rehabilitative progress into parole panel review and decision-making processes.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2793 amends the Government Code to revise the duties of the Texas Department of Criminal Justice (TDCJ) regarding inmate individual treatment plans and risk and needs assessments and to revise the duties of parole panels and the Board of Pardons and Paroles (BPP).

With respect to TDCJ duties regarding individual treatment plans, the bill does the following:

- changes the deadline by which TDCJ must obtain all pertinent information relating to an inmate for purposes of the inmate's individual treatment plan from not later than the 120th day after the date the inmate is admitted to the institutional division of TDCJ to not later than the 45th day after the date of admission;
- includes among the information that TDCJ must obtain relating to the inmate:
 - an evaluation of the educational, rehabilitative, and vocational needs of the inmate; and
 - the results of an assessment made using the TDCJ standardized risk and needs test or another validated risk and needs assessment adopted by TDCJ; and
- requires TDCJ to establish the treatment plan and provide the plan to the inmate not later than the 60th day after the date TDCJ obtains the information.

C.S.H.B. 2793 requires TDCJ to provide the inmate as soon as practicable with a revised and updated individual treatment plan, if applicable, after a required review of the inmate's plan, which TDCJ must perform at least annually. The bill requires TDCJ, in reviewing the plan, to revise the inmate's risk and needs score as necessary to reflect the completion of programming required by the plan. The bill requires TDCJ, approximately one year before an inmate's parole eligibility date, to assess the inmate using the standardized TDCJ risk and needs assessment or another validated risk and needs assessments adopted by TDCJ and revise the inmate's risk and needs score as necessary to reflect the completion of programming required by the plan. The assessment requirement does not apply to an inmate for whom a plan is established in the 12-month period preceding the inmate's parole eligibility date.

C.S.H.B. 2793 revises provisions relating to certain BPP reviews and other actions in preparation for an inmate's parole as follows:

- changes the deadline for the BPP initial review of an inmate eligible for parole from not later than the 180th day after the date of the inmate's admission to the institutional division to not later than the 90th day after that admission date; and
- revises a provision relating to the inmate's completion of required classes or programs by requiring the BPP to identify before the inmate's parole eligibility date, and requiring TDCJ to make available to the inmate before that date, any classes that the BPP intends to require the inmate to complete.

The bill requires TDCJ to make reasonable efforts to provide an opportunity for the inmate also to complete any classes or programs included in the individual treatment plan before that date.

C.S.H.B. 2793 requires the institutional division to revise the inmate's risk level to reflect the inmate's completion of programming as required by the individual treatment plan and requires TDCJ to provide to the BPP a record of the inmate's progress toward completion of the plan and any other pertinent information related to the inmate's progress toward rehabilitation.

C.S.H.B. 2793 requires a parole panel to provide a copy of the statement explaining the panel's decision to grant or deny release of an inmate to the rehabilitation programs division of TDCJ and to require a parole panel that denies release on parole to include in the statement the specific actions the inmate must take to address factors that contributed to the denial of parole.

C.S.H.B. 2793 includes the following among the actions the BPP may take in updating the parole guidelines based on an annual review and discussion:

- adjust the way that the guidelines account for an inmate's progress on the inmate's individual treatment plan; and
- adjust the risk level of an inmate based on such progress.

C.S.H.B. 2793 requires the BPP annual report on parole guidelines to include the following:

- a brief explanation of how the BPP accounts for an inmate's progress on the inmate's individual treatment plan and how the BPP uses the guidelines to make an individualized determination to approve or deny release on parole; and
- an analysis of parole denials that includes specified information.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2793 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 substitute does not include provisions from the original requiring the BPP to develop and implement a parole screening tool or other provisions relating to the tool.

The substitute, unlike the original, does not repeal provisions governing BPP parole guidelines, including the annual review of those guidelines. The substitute includes instead certain changes to the ways in which the BPP may update the guidelines and additions to the requirements for the annual BPP report on the guidelines.

The substitute includes the following provisions relating to risk and needs assessment that were not in the original:

- a requirement for TDCJ to obtain such an assessment, made using certain assessment instruments, on an inmate's admission for purposes of an individual treatment plan;
- a requirement for TDCJ to revise an inmate's risk and needs assessment score as necessary as part of the required annual review of the treatment plan; and
- an authorization for the use of an alternate assessment in the review conducted approximately one year before an inmate's parole eligibility date.