

By: J. Johnson of Harris

H.B. No. 4102

A BILL TO BE ENTITLED

AN ACT

relating to certain substance abuse treatment programs operated by the Texas Department of Criminal Justice.

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

SECTION 1. Article 42A.303, Code of Criminal Procedure, is amended by amending Subsection (e) and adding Subsections (e-1), (e-2), and (e-3) to read as follows:

(e) The Department of State Health Services shall develop:

(1) the continuum of care treatment plan described by Subsection (d)(1); and

(2) an instrument to be used by the Texas Department of Criminal Justice to assess the residential aftercare needs of a defendant required as a condition of community supervision to serve a term of confinement and treatment in a substance abuse felony punishment facility under this article.

(e-1) The continuum of care treatment plan described by Subsection (d)(1) must:

(1) use nationally recognized professional, empirical, and evidence-based practices;

(2) be trauma-informed; and

(3) promote the general health of defendants and include topics on exercise, diet, dental hygiene, and feminine hygiene, as applicable.

(e-2) The Department of State Health Services shall review

1 and update the continuum of care treatment plan under Subsection
2 (d)(1) at least once every five years.

3 (e-3) The residential aftercare assessment instrument
4 developed under Subsection (e)(2) must be based on a medical and
5 social risk assessment of the defendant and take into consideration
6 the defendant's age, health, family status, disability, gender, and
7 sexual identity to determine the most effective residential
8 aftercare placement for the defendant.

9 SECTION 2. Section [493.009](#), Government Code, is amended by
10 adding Subsections (e-1), (o), and (r) to read as follows:

11 (e-1) A qualified professional implementing the program
12 under Subsection (e) may not modify the continuum of care treatment
13 plan developed under Article [42A.303](#)(d)(1), Code of Criminal
14 Procedure, without the approval of the Department of State Health
15 Services.

16 (o) Notwithstanding any other law, the department may
17 provide up to three months of aftercare housing in an appropriate
18 facility operated by or under contract with the department, other
19 than a transitional treatment center, for a defendant as
20 recommended by an assessment conducted using the instrument
21 developed by the Department of State Health Services under Article
22 [42A.303](#)(e)(2), Code of Criminal Procedure.

23 (r) The Department of State Health Services shall develop a
24 survey that substance abuse felony punishment program participants
25 may anonymously complete and submit to the Department of State
26 Health Services and the department to assist the department in
27 improving the program. The survey must be available on the

1 Department of State Health Services' Internet website for mail or
2 online submission. On request, the Department of State Health
3 Services shall provide members of the public with anonymous survey
4 responses.

5 SECTION 3. Chapter 493, Government Code, is amended by
6 adding Sections 493.0091, 493.0092, and 493.0093 to read as
7 follows:

8 Sec. 493.0091. SUBSTANCE ABUSE FELONY PUNISHMENT PROGRAM
9 PARTICIPANT BILL OF RIGHTS. (a) The department shall develop a
10 bill of rights for participants in a substance abuse felony
11 punishment program operated under Section 493.009. The bill of
12 rights must include a description of any federal or state laws
13 applicable to the participants.

14 (b) The department shall provide to each participant:

15 (1) an oral explanation of the information contained
16 in the bill of rights; and

17 (2) a physical copy of the bill of rights or
18 information regarding how to access an electronic version of the
19 document.

20 (c) The department shall provide training on the bill of
21 rights developed under this section to all department employees
22 assigned to a substance abuse felony punishment facility. The
23 department shall maintain documentation of the employee trainings.

24 Sec. 493.0092. EVALUATION OF CERTAIN SUBSTANCE ABUSE
25 TREATMENT FACILITIES. (a) The department shall develop outcome
26 measures and performance targets for evaluating the effectiveness
27 of any facility operated under contract with the department for the

1 primary purpose of providing substance abuse treatment or
2 aftercare. The outcome measures must include:

3 (1) treatment program completion rates;

4 (2) employment rates of individuals who have completed
5 the treatment program; and

6 (3) an evaluation of the facility's ability to:

7 (A) provide individuals with housing after
8 completing treatment; and

9 (B) assist individuals in:

10 (i) obtaining social services; and

11 (ii) creating civic reintegration plans,
12 including identifying and making arrangements to pay any
13 outstanding court costs, fines, and fees and child support payments
14 owed by the individual.

15 (b) The department may not renew the contract of a facility
16 that consistently fails to achieve the performance targets
17 established under this section.

18 Sec. 493.0093. SUBSTANCE ABUSE FELONY PUNISHMENT PROGRAM
19 REPORT. (a) Not later than February 1 of each year, the
20 department, using appropriated funds, shall prepare and submit a
21 report to the governor, the lieutenant governor, the speaker of the
22 house of representatives, and each standing committee of the
23 legislature with primary jurisdiction over the department that
24 includes the following information for the preceding calendar year:

25 (1) the total number of participants in the substance
26 abuse felony punishment program operated under Section [493.009](#) and
27 information on the county of residence of participants before

1 entering the program;

2 (2) the number of participants who completed the
3 program categorized according to the facility in which the
4 participant was confined, including the number of participants who
5 completed any aftercare required as a condition of community
6 supervision;

7 (3) the number of participants who failed to complete
8 the program and the reasons for the failures;

9 (4) the recidivism rate of participants, including:

10 (A) the number of participants by county who
11 completed the program and were subsequently arrested or convicted
12 of an offense; and

13 (B) a list of the most common offenses for which
14 participants were arrested or convicted;

15 (5) the revocation rate of program participants who
16 are on community supervision or parole and the reasons for the
17 revocations;

18 (6) information on the program's budget; and

19 (7) the turnover rate of department employees assigned
20 to the program and of employees of any entity implementing the
21 program under contract with the department.

22 (b) The department shall make the report available on the
23 department's Internet website.

24 (c) The department shall make the data used to produce the
25 report available on request to any college or university for
26 purposes of evaluating the program.

27 SECTION 4. Section 493.032, Government Code, as added by

1 Chapter 1163 (H.B. 3227), Acts of the 86th Legislature, Regular
2 Session, 2019, is amended by adding Subsection (d) to read as
3 follows:

4 (d) The department shall apply for grants from any public or
5 private source for the purpose of employing individuals to provide
6 peer support services to persons participating in a substance abuse
7 felony punishment program under Section [493.009](#).

8 SECTION 5. This Act takes effect September 1, 2021.