

BILL ANALYSIS

Senate Research Center

H.B. 3200
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Studies show that if a probationer is going to re-offend, they will usually do so within the first two years. It is in this time period that more resources are needed to supervise the offenders and offer programming options.

The current method of per capita probation funding and reliance on supervision fees are disincentives to grant early dismissals and shorter probation terms. The current method encourages probation officers to keep offenders on probation longer than they need to be because they are putting money into the system.

H.B. 3200 creates an alternative probation funding mechanism which frontloads the formulas to encourage more intensive programming early in the probation terms and discourages community supervision and corrections departments from keeping offenders on probation longer than is necessary.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Criminal Justice in SECTION 1 (Section 509.011, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 509.011, Government Code, by amending Subsections (a) and (e) and adding Subsections (i) and (j), as follows:

(a) Requires the community justice assistance division (division), under certain circumstances, to prepare and submit to the comptroller of public accounts (comptroller) vouchers for certain payments to a community supervision and corrections department (department), including payments for per capita funding, a per diem amount for each felony defendant placed on community supervision and supervised by the department pursuant to lawful authority and each felony defendant participating in a pretrial program and supervised by the department pursuant to lawful authority for per capita funding, a per diem amount for a certain period for each misdemeanor defendant placed on community supervision and supervised by the department pursuant to lawful authority.

(e) Requires the division, in establishing the per capita funding formula under Subsection (i), rather than the per diem payments authorized by Subsections (a)(1) and (a)(2), to consider the amounts appropriated in the General Appropriations Act for basic supervision as sufficient to provide supervision each year of the fiscal biennium.

(i) Requires the division to annually establish a per capita funding formula to determine the percentage of the total amount provided in the General Appropriations Act for payments to departments that each department is entitled to receive as per capita funding under Subsections (a)(1) and (2). Requires the formula, with reference to funding distributed under Subsection (a)(1)(A), to include certain rates, penalties, and awards.

(j) Authorizes the Texas Board of Criminal Justice by rule to adopt a policy limiting the percentage of benefit or loss a department may realize as a result of the operation of the per capita funding formula established under Subsection (i).

SECTION 2. Amends Section 19, Article 42.12, Code of Criminal Procedure, by amending Subsections (a) and (b) and adding Subsection (g), as follows:

(a) Requires a judge granting community supervision, except as otherwise provided by this subsection, to fix a fee of not less than \$25 and not more than \$60 per month to be paid during the period of community supervision by the defendant to the court of original jurisdiction or, in the case of an intrastate transfer described by Section 10(b) of this article, to the court to which jurisdiction of the defendant's case is transferred.

(b) Makes a nonsubstantive change.

(g) Requires a court to which jurisdiction of a defendant's case is transferred under Section 10(b) of this article to enter an order directing the defendant to pay the monthly fee described by Subsection (a) of this section to that court in lieu of paying the monthly fee to the court of original jurisdiction. Provides that to the extent of any conflict between an order issued under this subsection and an order issued by a court of original jurisdiction, the order entered under this subsection prevails.

SECTION 3. (a) Requires, not later than January 1, 2008, the division to establish the per capita funding formula described by Section 509.011(i), Government Code, as added by this Act, that is to be used for the state fiscal year beginning September 1, 2008.

(b) Provides that Sections 509.011(a) and (e), Government Code, as amended by this Act, and Sections 509.011(i) and (j), Government Code, as added by this Act, apply to appropriations made for any state fiscal year beginning on or after September 1, 2008.

SECTION 4. Effective date: upon passage or September 1, 2007.