

By: Madden

H.B. No. 3200

A BILL TO BE ENTITLED

AN ACT

relating to funding for community supervision and corrections departments.

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

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

(a) If the division determines that a department complies with division standards and if the community justice council has submitted a community justice plan under Section 76.003 and the supporting information required by the division and the division determines the plan and supporting information are acceptable, the division shall prepare and submit to the comptroller vouchers for payment to the department as follows:

(1) for per capita funding, a per diem amount for:

(A) each felony defendant placed on community supervision and ~~directly~~ supervised by the department pursuant to lawful authority; and

(B) each felony defendant participating in a pretrial program and supervised by the department pursuant to lawful authority;

(2) for per capita funding, a per diem amount for a period not to exceed 182 days for each misdemeanor defendant placed on community supervision and supervised by the department pursuant

1 to lawful authority[~~, other than a felony defendant~~]; and

2 (3) for formula funding, an annual amount as computed
3 by multiplying a percentage determined by the allocation formula
4 established under Subsection (f) times the total amount provided in
5 the General Appropriations Act for payments under this subdivision.

6 (e) In establishing the per capita funding formula under
7 Subsection (i) [per diem payments authorized by Subsections (a)(1)
8 and (a)(2)], the division shall consider the amounts appropriated
9 in the General Appropriations Act for basic supervision as
10 sufficient to provide basic supervision in each year of the fiscal
11 biennium.

12 (i) The division annually shall establish a per capita
13 funding formula to determine the percentage of the total amount
14 provided in the General Appropriations Act for payments to
15 departments that each department is entitled to receive as per
16 capita funding under Subsections (a)(1) and (2). With reference to
17 funding distributed under Subsection (a)(1)(A), the formula must
18 include:

19 (1) higher per capita rates for those felony
20 defendants supervised by a department who are serving the early
21 years of a term of community supervision than for those felony
22 defendants who are serving the end of a term of community
23 supervision;

24 (2) penalties in per capita funding with respect to
25 each felony defendant supervised by a department whose community
26 supervision is revoked due to a technical violation of an
27 applicable condition of community supervision; and

1 (3) awards in per capita funding with respect to each
2 felony defendant supervised by a department who is discharged
3 following an early termination of community supervision under
4 Section 5 or Section 20, Article 42.12, Code of Criminal Procedure,
5 as applicable.

6 (j) The board by rule may adopt a policy limiting the
7 percentage of benefit or loss a department may realize as a result
8 of the operation of the per capita funding formula established
9 under Subsection (i).

10 SECTION 2. Section 19, Article 42.12, Code of Criminal
11 Procedure, is amended by amending Subsections (a) and (b) and
12 adding Subsection (g) to read as follows:

13 (a) Except as otherwise provided by this subsection, a judge
14 granting community supervision shall fix a fee of not less than \$25
15 and not more than \$60 per month to be paid during the period of
16 community supervision by the defendant to the court of original
17 jurisdiction or, in the case of an intrastate transfer described by
18 Section 10(b) of this article, to the court to which jurisdiction of
19 the defendant's case is transferred [~~by the defendant during the~~
20 ~~community supervision period~~]. The judge may make payment of the
21 fee a condition of granting or continuing the community
22 supervision. The judge may waive or reduce the fee or suspend a
23 monthly payment of the fee if the judge determines that payment of
24 the fee would cause the defendant a significant financial hardship.

25 (b) A [~~The~~] judge shall deposit any fee [~~the fees~~] received
26 under Subsection (a) of this section in the special fund of the
27 county treasury, to be used for the same purposes for which state

1 aid may be used under Chapter 76, Government Code.

2 (g) A court to which jurisdiction of a defendant's case is
3 transferred under Section 10(b) of this article shall enter an
4 order directing the defendant to pay the monthly fee described by
5 Subsection (a) of this section to that court in lieu of paying the
6 monthly fee to the court of original jurisdiction. To the extent of
7 any conflict between an order issued under this subsection and an
8 order issued by a court of original jurisdiction, the order entered
9 under this subsection prevails.

10 SECTION 3. (a) Not later than January 1, 2008, the
11 community justice assistance division of the Texas Department of
12 Criminal Justice shall establish the per capita funding formula
13 described by Section 509.011(i), Government Code, as added by this
14 Act, that is to be used for the state fiscal year beginning
15 September 1, 2008.

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

20 SECTION 4. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2007.