

H.B. No. 3200

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

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

22 (2) for per capita funding, a per diem amount for a  
23 period not to exceed 182 days for each misdemeanor defendant placed  
24 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.

H.B. No. 3200

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President of the Senate

Speaker of the House

I certify that H.B. No. 3200 was passed by the House on May 10, 2007, by the following vote: Yeas 140, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3200 on May 25, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3200 on May 27, 2007, by the following vote: Yeas 141, Nays 3, 2 present, not voting.

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Chief Clerk of the House

H.B. No. 3200

I certify that H.B. No. 3200 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 29, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3200 on May 27, 2007, by the following vote: Yeas 29, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor