

By: Madden

H.B. No. 3200

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the computation of certain funding for community
3 supervision and corrections departments.

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:

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

15 (1) for per capita funding, an ~~[a per diem]~~ amount or
16 amounts determined using the per capita funding formula under
17 Subsection (i) [for each felony defendant directly supervised by
18 the department pursuant to lawful authority,

19 ~~[(2) for per capita funding, a per diem amount for a~~
20 ~~period not to exceed 182 days for each defendant supervised by the~~
21 ~~department pursuant to lawful authority, other than a felony~~
22 ~~defendant]; and~~

23 (2) ~~[(3)]~~ for formula funding, an annual amount as
24 computed by multiplying a percentage determined by the allocation

1 formula established under Subsection (f) times the total amount
2 provided in the General Appropriations Act for payments under this
3 subdivision.

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

10 (i) The division annually shall establish a per capita
11 funding formula to determine the percentage of the total amount
12 provided in the General Appropriations Act for payments to
13 departments that each department is entitled to receive as per
14 capita funding under Subsection (a)(1). The formula must include:

15 (1) higher per capita rates for those defendants
16 supervised by a department who are serving the early years of a term
17 of community supervision than for those defendants who are serving
18 the end of a term of community supervision;

19 (2) penalties in per capita funding with respect to
20 each defendant supervised by a department whose community
21 supervision is revoked due to a technical violation of an
22 applicable condition of community supervision; and

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

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

5 SECTION 2. (a) Not later than January 1, 2008, the
6 community justice assistance division of the Texas Department of
7 Criminal Justice shall establish the per capita funding formula
8 described by Section 509.011(i), Government Code, as added by this
9 Act, that is to be used for the state fiscal year beginning
10 September 1, 2008.

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

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2007.