

1-1 By: Madden (Senate Sponsor - Whitmire) H.B. No. 3200
1-2 (In the Senate - Received from the House May 11, 2007;
1-3 May 15, 2007, read first time and referred to Committee on Criminal
1-4 Justice; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to funding for community supervision and corrections
1-9 departments.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 509.011, Government Code, is amended by
1-12 amending Subsections (a) and (e) and adding Subsections (i) and (j)
1-13 to read as follows:

1-14 (a) If the division determines that a department complies
1-15 with division standards and if the community justice council has
1-16 submitted a community justice plan under Section 76.003 and the
1-17 supporting information required by the division and the division
1-18 determines the plan and supporting information are acceptable, the
1-19 division shall prepare and submit to the comptroller vouchers for
1-20 payment to the department as follows:

1-21 (1) for per capita funding, a per diem amount for:

1-22 (A) each felony defendant placed on community
1-23 supervision and [directly] supervised by the department pursuant to
1-24 lawful authority; and

1-25 (B) each felony defendant participating in a
1-26 pretrial program and supervised by the department pursuant to
1-27 lawful authority;

1-28 (2) for per capita funding, a per diem amount for a
1-29 period not to exceed 182 days for each misdemeanor defendant placed
1-30 on community supervision and supervised by the department pursuant
1-31 to lawful authority[~~, other than a felony defendant~~]; and

1-32 (3) for formula funding, an annual amount as computed
1-33 by multiplying a percentage determined by the allocation formula
1-34 established under Subsection (f) times the total amount provided in
1-35 the General Appropriations Act for payments under this subdivision.

1-36 (e) In establishing the per capita funding formula under
1-37 Subsection (i) [~~per diem payments authorized by Subsections (a)(1)~~
1-38 and (a)(2)], the division shall consider the amounts appropriated
1-39 in the General Appropriations Act for basic supervision as
1-40 sufficient to provide basic supervision in each year of the fiscal
1-41 biennium.

1-42 (i) The division annually shall establish a per capita
1-43 funding formula to determine the percentage of the total amount
1-44 provided in the General Appropriations Act for payments to
1-45 departments that each department is entitled to receive as per
1-46 capita funding under Subsections (a)(1) and (2). With reference to
1-47 funding distributed under Subsection (a)(1)(A), the formula must
1-48 include:

1-49 (1) higher per capita rates for those felony
1-50 defendants supervised by a department who are serving the early
1-51 years of a term of community supervision than for those felony
1-52 defendants who are serving the end of a term of community
1-53 supervision;

1-54 (2) penalties in per capita funding with respect to
1-55 each felony defendant supervised by a department whose community
1-56 supervision is revoked due to a technical violation of an
1-57 applicable condition of community supervision; and

1-58 (3) awards in per capita funding with respect to each
1-59 felony defendant supervised by a department who is discharged
1-60 following an early termination of community supervision under
1-61 Section 5 or Section 20, Article 42.12, Code of Criminal Procedure,
1-62 as applicable.

1-63 (j) The board by rule may adopt a policy limiting the
1-64 percentage of benefit or loss a department may realize as a result

2-1 of the operation of the per capita funding formula established
2-2 under Subsection (i).

2-3 SECTION 2. Section 19, Article 42.12, Code of Criminal
2-4 Procedure, is amended by amending Subsections (a) and (b) and
2-5 adding Subsection (g) to read as follows:

2-6 (a) Except as otherwise provided by this subsection, a judge
2-7 granting community supervision shall fix a fee of not less than \$25
2-8 and not more than \$60 per month to be paid during the period of
2-9 community supervision by the defendant to the court of original
2-10 jurisdiction or, in the case of an intrastate transfer described by
2-11 Section 10(b) of this article, to the court to which jurisdiction of
2-12 the defendant's case is transferred [~~by the defendant during the~~
2-13 ~~community supervision period~~]. The judge may make payment of the
2-14 fee a condition of granting or continuing the community
2-15 supervision. The judge may waive or reduce the fee or suspend a
2-16 monthly payment of the fee if the judge determines that payment of
2-17 the fee would cause the defendant a significant financial hardship.

2-18 (b) A [The] judge shall deposit any fee [~~the fees~~] received
2-19 under Subsection (a) of this section in the special fund of the
2-20 county treasury, to be used for the same purposes for which state
2-21 aid may be used under Chapter 76, Government Code.

2-22 (g) A court to which jurisdiction of a defendant's case is
2-23 transferred under Section 10(b) of this article shall enter an
2-24 order directing the defendant to pay the monthly fee described by
2-25 Subsection (a) of this section to that court in lieu of paying the
2-26 monthly fee to the court of original jurisdiction. To the extent of
2-27 any conflict between an order issued under this subsection and an
2-28 order issued by a court of original jurisdiction, the order entered
2-29 under this subsection prevails.

2-30 SECTION 3. (a) Not later than January 1, 2008, the
2-31 community justice assistance division of the Texas Department of
2-32 Criminal Justice shall establish the per capita funding formula
2-33 described by Section 509.011(i), Government Code, as added by this
2-34 Act, that is to be used for the state fiscal year beginning
2-35 September 1, 2008.

2-36 (b) Sections 509.011(a) and (e), Government Code, as
2-37 amended by this Act, and Sections 509.011(i) and (j), Government
2-38 Code, as added by this Act, apply to appropriations made for any
2-39 state fiscal year beginning on or after September 1, 2008.

2-40 SECTION 4. This Act takes effect immediately if it receives
2-41 a vote of two-thirds of all the members elected to each house, as
2-42 provided by Section 39, Article III, Texas Constitution. If this
2-43 Act does not receive the vote necessary for immediate effect, this
2-44 Act takes effect September 1, 2007.

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