

**House Bill 3200**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

CONFERENCE

SECTION \_\_. Section 508.283, Government. Code, is amended by amending Subsections (a) and (e) and adding Subsections (e-1), (f), (g), and (h) to read as follows:

(a) After a parole panel or designated agent of the board has held a hearing under Section 508.281, in any manner warranted by the evidence:

(1) the board may recommend to the governor to continue, revoke, or modify the conditional pardon; and

(2) except as provided by Subsection (g), a parole panel may continue, revoke, or modify the parole or mandatory supervision.

(e) If a person's parole or mandatory supervision is modified after it is established that the person violated conditions of release, the parole panel [board] may require the releasee to remain under custodial supervision in a county jail for a period of not less than 60 days or more than 180 days. The parole panel may require a person to remain under custodial supervision under this subsection each time the board modifies the person's parole or mandatory supervision.

(e-1) A sheriff is required to accept an inmate sanctioned under Subsection (e) [this subsection] only if the commissioners court of the county in which the sheriff serves and the Texas Department of Criminal Justice have entered into a contract providing for the housing of persons sanctioned under this subsection.

(f) If a person's parole or mandatory supervision is modified and the parole panel requires the person to serve a term of confinement and treatment in a substance

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abuse treatment facility operated under Section 493.009 as a condition of the modification, the term must be not less than 180 days and not more than one year. This subsection does not apply to a sex offender or an inmate under super-intensive supervision parole under Section 508.317(d).

(g) Except as provided by Subsection (h), a parole panel may not revoke a person's parole or mandatory supervision under this section if the person committed only an administrative violation of a condition of release.

(h) A parole panel may revoke a person's parole or mandatory supervision under this section if the person:

(1) has failed to report to the parole officer supervising the person for a period of at least one year;

(2) is arrested outside of this state on a warrant issued under Section 508.251; or

(3) has previously committed an administrative violation and has been confined under Subsection (f) or under Sec. 508.285, Government Code.

No equivalent provision.

SECTION \_\_. Subchapter I, Chapter 508, Government Code, is amended by adding Section 508.285 to read as follows:

Sec. 508.285. SANCTION: CONFINEMENT IN INTERMEDIATE SANCTION FACILITY. (a) After a hearing under Section 508.281, if a parole panel modifies a person's parole or mandatory supervision because the person violated the person's conditions of release, the panel may require the person to remain under custodial

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supervision in an intermediate sanction facility operated by or under contract with the department for a term of not less than 60 days or more than one year. This subsection does not apply to a sex offender or an inmate under super-intensive supervision parole under Section 508.317(d).

(b) A parole panel may require a person to remain under custodial supervision as described by Subsection (a) each time the panel modifies the person's parole or mandatory supervision.

No equivalent provision.

SECTION \_\_. The change in law made by Section 508.283, Government Code, as amended by this Act, and Section 508.285, Government Code, as added by this Act, applies only to a determination by a parole panel made on or after the effective date of this Act. A determination made before the effective date of this Act is covered by the law in effect on the date the determination was made, and the former law is continued in effect for that purpose.

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

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

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

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

(i) The division annually shall establish a per capita funding formula to determine the percentage of the total amount provided in the General Appropriations Act for

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payments to departments that each department is entitled to receive as per capita funding under Subsections (a)(1) and (2). With reference to funding distributed under Subsection (a)(1)(A), the formula must include:

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

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

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

(j) The board by rule may 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. Section 19, Article 42.12, Code of Criminal Procedure, is amended by amending Subsections (a) and (b) and adding Subsection (g) to read as follows:

(a) Except as otherwise provided by this subsection, a

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judge granting community supervision shall 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 [~~by the defendant during the community supervision period~~]. The judge may make payment of the fee a condition of granting or continuing the community supervision. The judge may waive or reduce the fee or suspend a monthly payment of the fee if the judge determines that payment of the fee would cause the defendant a significant financial hardship.

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

(g) A court to which jurisdiction of a defendant's case is transferred under Section 10(b) of this article shall 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. 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.

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SECTION 3. (a) Not later than January 1, 2008, the community justice assistance division of the Texas Department of Criminal Justice shall 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) 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. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

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