

AN ACT

relating to the continuation and functions of the Texas Board of Criminal Justice, the Texas Department of Criminal Justice, and the Windham School District and to the functions of the Board of Pardons and Paroles and the Correctional Managed Health Care Committee.

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

SECTION 1. Section 492.012, Government Code, is amended to read as follows:

Sec. 492.012. SUNSET PROVISION. The Texas Board of Criminal Justice and the Texas Department of Criminal Justice are subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2021 [~~2013~~].

SECTION 2. Chapter 493, Government Code, is amended by adding Section 493.031 to read as follows:

Sec. 493.031. CASE MANAGEMENT COMMITTEES. (a) Each facility under the oversight of the correctional institutions division shall establish a case management committee to assess each inmate in the facility and ensure the inmate is receiving appropriate services or participating in appropriate programs. The case management committee shall:

(1) review each individualized treatment plan adopted under Section 508.152 for an inmate in the facility and, as applicable, discuss with the inmate a possible treatment plan,

1 including participation in any program or service that may be
2 available through the department, the Windham School District, or
3 any volunteer organization; and

4 (2) meet with each inmate in the facility at the time
5 of the inmate's initial placement in the facility and at any time in
6 which the committee seeks to reclassify the inmate based on the
7 inmate's refusal to participate in a program or service recommended
8 by the committee.

9 (b) A case management committee must include the members of
10 the unit classification committee. In addition to those members, a
11 case management committee may include any of the following members,
12 based on availability and inmate needs:

13 (1) an employee whose primary duty involves providing
14 rehabilitation and reintegration programs or services;

15 (2) an employee whose primary duty involves providing
16 vocational training or educational services to inmates;

17 (3) an employee whose primary duty involves providing
18 medical care or mental health care treatment to inmates; or

19 (4) a representative of a faith-based or volunteer
20 organization.

21 SECTION 3. Section 501.092, Government Code, as added by
22 Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular
23 Session, 2009, is reenacted and amended to read as follows:

24 Sec. 501.092. COMPREHENSIVE REENTRY AND REINTEGRATION PLAN
25 FOR OFFENDERS. (a) The department shall develop and adopt a
26 comprehensive plan to reduce recidivism and ensure the successful
27 reentry and reintegration of offenders into the community following

1 an offender's release or discharge from a correctional facility.

2 (b) The reentry and reintegration plan adopted [~~developed~~]
3 under this section must [~~provide for~~]:

4 (1) incorporate the use of the risk and needs
5 assessment instrument adopted under Section 501.0921 [~~an~~
6 ~~assessment of offenders entering a correctional facility to~~
7 ~~determine which skills the offender needs to develop to be~~
8 ~~successful in the community following release or discharge~~];

9 (2) provide for programs that address the assessed
10 needs of offenders;

11 (3) provide for a comprehensive network of transition
12 programs to address the needs of offenders released or discharged
13 from a correctional facility;

14 (4) identify and define the transition services that
15 are to be provided by the department and which offenders are
16 eligible for those services;

17 (5) coordinate the provision of reentry and
18 reintegration services provided to offenders through state-funded
19 and volunteer programs across divisions of the department to:

20 (A) target eligible offenders efficiently; and

21 (B) ensure maximum use of existing facilities,
22 personnel, equipment, supplies, and other resources;

23 (6) provide for collecting and maintaining data
24 regarding the number of offenders who received reentry and
25 reintegration services and the number of offenders who were
26 eligible for but did not receive those services, including
27 offenders who did not participate in those services;

1 (7) provide for evaluating the effectiveness of the
2 reentry and reintegration services provided to offenders by
3 collecting, maintaining, and reporting outcome information,
4 including recidivism data as applicable;

5 (8) identify [~~(4) the identification of~~] providers
6 of existing local programs and transitional services with whom the
7 department may contract under Section 495.028 to implement the
8 reentry and reintegration plan; and

9 (9) [~~(5)~~ subject to Subsection (f) [~~(c)~~], provide for
10 the sharing of information between local coordinators, persons with
11 whom the department contracts under Section 495.028, and other
12 providers of services as necessary to adequately assess and address
13 the needs of each offender.

14 (c) The department, in consultation with the Board of
15 Pardons and Paroles and the Windham School District, shall
16 establish the role of each entity in providing reentry and
17 reintegration services. The reentry and reintegration plan adopted
18 under this section must include, with respect to the department,
19 the Board of Pardons and Paroles, and the Windham School District:

20 (1) the reentry and reintegration responsibilities
21 and goals of each entity, including the duties of each entity to
22 administer the risk and needs assessment instrument adopted under
23 Section 501.0921;

24 (2) the strategies for achieving the goals identified
25 by each entity; and

26 (3) specific timelines for each entity to implement
27 the components of the reentry and reintegration plan for which the

1 entity is responsible.

2 (d) The department shall regularly evaluate the reentry and
3 reintegration plan adopted under this section. Not less than once
4 in each three-year period following the adoption of the plan, the
5 department shall update the plan.

6 (e) The department shall provide a copy of the initial
7 reentry and reintegration plan adopted under this section and each
8 evaluation and revision of the plan to the board, the Windham School
9 District, and the Board of Pardons and Paroles.

10 (f) An offender's personal health information may be
11 disclosed under Subsection (b)(9) [~~(b)(5)~~] only if:

- 12 (1) the offender consents to the disclosure; and
13 (2) the disclosure does not violate the Health
14 Insurance Portability and Accountability Act of 1996 (Pub. L. No.
15 104-191) or other state or federal law.

16 (g) [~~(d)~~] The programs provided under Subsections (b)(2)
17 and (3) must:

18 (1) be implemented by highly skilled staff who are
19 experienced in working with inmate reentry and reintegration
20 programs;

21 (2) provide offenders with:

22 (A) individualized case management and a full
23 continuum of care;

24 (B) life-skills training, including information
25 about budgeting, money management, nutrition, and exercise;

26 (C) education and, if an offender has a learning
27 disability, special education;

1 (D) employment training;

2 (E) appropriate treatment programs, including
3 substance abuse and mental health treatment programs; and

4 (F) parenting and relationship building classes;
5 and

6 (3) be designed to build for former offenders
7 post-release and post-discharge support from the community into
8 which an offender is released or discharged, including support from
9 agencies and organizations within that community.

10 (h) [~~e~~] In developing the reentry and reintegration plan
11 adopted under this section, the department shall ensure that the
12 reentry program for long-term inmates under Section 501.096 and the
13 reintegration services provided under Section 501.097 are
14 incorporated into the plan.

15 (i) Not later than September 1 of each even-numbered year,
16 the department shall deliver a report of the results of evaluations
17 conducted under Subsection (b)(7) to the lieutenant governor, the
18 speaker of the house of representatives, and each standing
19 committee of the senate and house of representatives having primary
20 jurisdiction over the department.

21 SECTION 4. Subchapter C, Chapter 501, Government Code, is
22 amended by adding Section 501.0921 to read as follows:

23 Sec. 501.0921. RISK AND NEEDS ASSESSMENT INSTRUMENT.

24 (a) The department shall adopt a standardized instrument to
25 assess, based on criminogenic factors, the risks and needs of each
26 offender within the adult criminal justice system.

27 (b) The department shall make the risk and needs assessment

1 instrument available for use by each community supervision and
2 corrections department established under Chapter 76.

3 (c) The department and the Windham School District shall
4 jointly determine the duties of each entity with respect to
5 implementing the risk and needs assessment instrument in order to
6 efficiently use existing assessment processes.

7 (d) The department shall specify a timeline for the testing,
8 adoption, and implementation of the risk and needs assessment
9 instrument. The department's timeline must provide for the use of
10 the instrument to be fully implemented not later than January 1,
11 2015. This subsection expires January 1, 2016.

12 SECTION 5. Section 501.098, Government Code, as added by
13 Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular
14 Session, 2009, is reenacted and amended to read as follows:

15 Sec. 501.098. REENTRY TASK FORCE. (a) The department
16 shall establish a reentry task force and shall coordinate the work
17 of the task force with the Office of Court Administration. The
18 executive director shall ensure that the task force includes
19 representatives of~~[, and by rule shall enter into a memorandum of~~
20 ~~understanding with]~~ the following entities ~~[to establish a reentry~~
21 ~~task force]~~:

- 22 (1) the Texas Juvenile Justice Department [~~Youth~~
23 ~~Commission~~];
24 (2) the Texas Workforce Commission;
25 (3) the Department of Public Safety;
26 (4) the Texas Department of Housing and Community
27 Affairs;

1 (5) the Texas Correctional Office on Offenders with
2 Medical or Mental Impairments;
3 (6) the Health and Human Services Commission;
4 (7) the Texas Judicial Council; ~~and~~
5 (8) the Board of Pardons and Paroles;
6 (9) the Windham School District;
7 (10) the Texas Commission on Jail Standards;
8 (11) the Department of State Health Services;
9 (12) the Texas Court of Criminal Appeals;
10 (13) the County Judges and Commissioners Association
11 of Texas;
12 (14) the Sheriffs' Association of Texas;
13 (15) the Texas District and County Attorneys
14 Association; and
15 (16) the Texas Conference of Urban Counties.
16 (b) The executive director shall appoint a representative
17 from each of the following entities to serve on the reentry task
18 force:
19 (1) a community supervision and corrections
20 department established under Chapter 76;
21 (2) an organization that advocates on behalf of
22 offenders;
23 (3) a local reentry planning entity; and
24 (4) a statewide ~~an~~ organization ~~[selected by the~~
25 ~~department]~~ that advocates for or provides reentry or reintegration
26 services to offenders following their release or discharge from a
27 correctional facility.

1 (c) To the extent feasible, the executive director shall
2 ensure that the membership of the reentry task force reflects the
3 geographic diversity of this state and includes members of both
4 rural and urban communities.

5 (d) The executive director may appoint additional members
6 as the executive director determines necessary.

7 (e) [(b)] The reentry task force shall [established under
8 Subsection (a) may]:

9 (1) identify gaps in services for offenders following
10 their release or discharge to rural or urban communities in the
11 areas of employment, housing, substance abuse treatment, medical
12 care, and any other areas in which the offenders need special
13 services; and

14 (2) coordinate with providers of existing local
15 reentry and reintegration programs, including programs operated by
16 a municipality or county, to make recommendations regarding the
17 provision of comprehensive services to offenders following their
18 release or discharge to rural or urban communities.

19 (f) In performing its duties under Subsection (e), the
20 reentry task force shall:

21 (1) identify:

22 (A) specific goals of the task force;

23 (B) specific deliverables of the task force,
24 including the method or format in which recommendations under
25 Subsection (e)(2) will be made available; and

26 (C) the intended audience or recipients of the
27 items described by Paragraph (B);

1 (2) specify the responsibilities of each entity
2 represented on the task force regarding the goals of the task force;
3 and

4 (3) specify a timeline for achieving the task force's
5 goals and producing the items described by Subdivision (1)(B).

6 SECTION 6. Section 501.131, Government Code, is amended to
7 read as follows:

8 Sec. 501.131. DEFINITIONS [~~DEFINITION~~]. In this
9 subchapter:

10 (1) "Committee" [~~,"committee"~~] means the Correctional
11 Managed Health Care Committee.

12 (2) "Contracting entity" means an entity that
13 contracts with the department to provide health care services under
14 this chapter.

15 (3) "Medical school" means the medical school at The
16 University of Texas Health Science Center at Houston, the medical
17 school at The University of Texas Health Science Center at Dallas,
18 the medical school at The University of Texas Health Science Center
19 at San Antonio, The University of Texas Medical Branch at
20 Galveston, the Texas Tech University Health Sciences Center, the
21 Baylor College of Medicine, the college of osteopathic medicine at
22 the University of North Texas Health Science Center at Fort Worth,
23 or The Texas A&M University System Health Science Center.

24 SECTION 7. Section 501.133, Government Code, is amended by
25 amending Subsection (a) and adding Subsection (c) to read as
26 follows:

27 (a) The committee consists of nine [~~five~~] voting members and

1 one nonvoting member as follows:

2 (1) one member employed full-time by the department,
3 appointed by the executive director;

4 (2) one member who is a physician and employed
5 full-time by The University of Texas Medical Branch at Galveston,
6 appointed by the president of the medical branch;

7 (3) one member who is a physician and employed
8 full-time by the Texas Tech University Health Sciences Center,
9 appointed by the president of the university;

10 (4) two members who are physicians, each of whom is
11 employed full-time by a medical school other than The University of
12 Texas Medical Branch at Galveston or the Texas Tech University
13 Health Sciences Center, appointed by the governor;

14 (5) two members appointed by the governor who are
15 licensed mental health professionals;

16 (6) two public members appointed by the governor who
17 are not affiliated with the department or with any contracting
18 entity [~~with which the committee has contracted to provide health~~
19 ~~care services under this chapter~~], at least one of whom is licensed
20 to practice medicine in this state; and

21 (7) [~~(5)~~] the state Medicaid director or a person
22 employed full-time by the Health and Human Services Commission and
23 appointed by the Medicaid director, to serve ex officio as a
24 nonvoting member.

25 (c) A committee member appointed under Subsection (a)(7)
26 shall assist the department with developing the expertise needed to
27 accurately assess health care costs and determine appropriate

1 rates.

2 SECTION 8. Section 501.136, Government Code, is amended to
3 read as follows:

4 Sec. 501.136. APPOINTMENT; TERMS OF OFFICE; VACANCY [~~FOR~~
5 ~~PUBLIC MEMBERS~~]. (a) The two committee members appointed under
6 Section 501.133(a)(4) serve concurrent four-year terms expiring on
7 February 1 following the fourth anniversary of the date of
8 appointment. On the expiration of the terms, the governor shall
9 appoint one member from each of the next two medical schools that,
10 based on an alphabetical listing of the names of the medical
11 schools, follow the medical schools that employ the vacating
12 members. A medical school may not be represented at any given time
13 by more than one member appointed under Section 501.133(a)(4).

14 (b) The two committee members appointed under Section
15 501.133(a)(5) serve concurrent four-year terms expiring on
16 February 1 following the fourth anniversary of the date of
17 appointment.

18 (c) Public [~~Committee~~] members appointed under Section
19 501.133(a)(6) [~~by the governor~~] serve staggered four-year terms,
20 with the term of one of those members expiring on February 1 of each
21 odd-numbered year.

22 (d) Other committee members serve at the will of the
23 appointing official or until termination of the member's employment
24 with the entity the member represents.

25 (e) If a vacancy occurs, the appropriate appointing
26 authority shall appoint a person, in the same manner as the original
27 appointment, to serve for the remainder of the unexpired term. If a

1 vacancy occurs in a position appointed under Section 501.133(a)(4),
2 the governor shall appoint a physician employed by the same medical
3 school as that of the vacating member.

4 SECTION 9. Section 501.146, Government Code, is amended by
5 amending Subsection (a) and adding Subsection (c) to read as
6 follows:

7 (a) The committee shall develop and approve a managed health
8 care plan for all persons confined by the department that
9 [~~includes~~]:

10 (1) specifies the types and general level of care to be
11 provided to [~~the establishment of a managed health care provider~~
12 ~~network of physicians and hospitals that will serve the department~~
13 ~~as the exclusive health care provider for~~] persons confined [~~in~~
14 ~~institutions operated~~] by the department; and

15 (2) ensures continued access to needed care in the
16 correctional health care system [~~cost containment studies,~~

17 [~~(3) care case management and utilization management~~
18 ~~studies performed for the department, and~~

19 [~~(4) concerning the establishment of criteria for~~
20 ~~hospitals, home health providers, or hospice providers, a provision~~
21 ~~requiring the managed health care plan to accept certification by~~
22 ~~the Medicare program under Title XVIII, Social Security Act (42~~
23 ~~U.S.C. Section 1395 et seq.), and its subsequent amendments, as an~~
24 ~~alternative to accreditation by the Joint Commission on~~
25 ~~Accreditation of Healthcare Organizations].~~

26 (c) The committee shall provide expertise to the
27 department, and may appoint subcommittees to assist the department,

1 in developing policies and procedures for implementation of the
2 managed health care plan.

3 SECTION 10. Section 501.147, Government Code, is amended to
4 read as follows:

5 Sec. 501.147. POWERS AND DUTIES OF DEPARTMENT; AUTHORITY TO
6 CONTRACT. (a) The department, in cooperation with the contracting
7 entities, shall:

8 (1) establish a managed health care provider network
9 of physicians and hospitals to provide health care to persons
10 confined by the department; and

11 (2) evaluate and recommend to the board sites for new
12 medical facilities that appropriately support the managed health
13 care provider network.

14 (b) The department may:

15 (1) communicate with the legislature regarding the
16 financial needs of the correctional health care system;

17 (2) monitor the expenditures of a contracting entity
18 to ensure that those expenditures comply with applicable statutory
19 and contractual requirements;

20 (3) address problems found through monitoring
21 activities, including requiring corrective action if care does not
22 meet expectations as determined by those monitoring activities;

23 (4) identify and address long-term needs of the
24 correctional health care system;

25 (5) [~~enter into a~~ contract with any entity to fully
26 implement the managed health care plan under this subchapter,
27 including contracting for health care services and the integration

1 of those services into the managed health care provider network;

2 (6) contract with an individual for financial
3 consulting services and make use of financial monitoring of the
4 managed health care plan to assist the department in determining an
5 accurate capitation rate; and

6 (7) contract with an individual for actuarial
7 consulting services to assist the department in determining trends
8 in the health of the inmate population and the impact of those
9 trends on future financial needs.

10 (c) In contracting for the implementation of the managed
11 health care plan, the department shall:

12 (1) [~~A contract entered into under this subsection~~
13 ~~must~~] include provisions necessary to ensure that the contracting
14 entity [~~The University of Texas Medical Branch at Galveston~~] is
15 eligible for and makes reasonable efforts to participate in the
16 purchase of prescription drugs under Section 340B, Public Health
17 Service Act (42 U.S.C. Section 256b); and~~[-]~~

18 (2) [~~(b) The department may contract with other~~
19 ~~governmental entities for similar health care services and~~
20 ~~integrate those services into the managed health care provider~~
21 ~~network.~~

22 [~~(c) In contracting for implementation of the managed~~
23 ~~health care plan, the department,~~] to the extent possible, [~~shall~~]
24 integrate the managed health care provider network with the
25 [~~public~~] medical schools [~~of this state~~] and the component and
26 affiliated hospitals of those medical schools. [~~The contract must~~
27 ~~authorize The University of Texas Medical Branch at Galveston to~~

1 ~~contract directly with the Texas Tech University Health Sciences~~
2 ~~Center for the provision of health care services. The Texas Tech~~
3 ~~University Health Sciences Center shall cooperate with The~~
4 ~~University of Texas Medical Branch at Galveston in its efforts to~~
5 ~~participate in the purchase of prescription drugs under Section~~
6 ~~340B, Public Health Service Act (42 U.S.C. Section 256b).]~~

7 (d) For services that a governmental entity [~~the public~~
8 ~~medical schools and their components and affiliates~~] cannot
9 provide, the department shall initiate a competitive bidding
10 process for contracts with other providers for medical care to
11 persons confined by the department.

12 [~~(c) The department, in cooperation with the committee, may~~
13 ~~contract with an individual or firm for a biennial review of, and~~
14 ~~report concerning, expenditures under the managed health care plan.~~
15 ~~The review must be conducted by an individual or firm experienced in~~
16 ~~auditing the state's Medicaid expenditures and other medical~~
17 ~~expenditures. Not later than September 1 of each even-numbered~~
18 ~~year, the department shall submit a copy of a report under this~~
19 ~~section to the health care providers that are part of the managed~~
20 ~~health care provider network established under this subchapter, the~~
21 ~~Legislative Budget Board, the governor, the lieutenant governor,~~
22 ~~and the speaker of the house of representatives.]~~

23 SECTION 11. Subchapter E, Chapter 501, Government Code, is
24 amended by adding Section 501.1471 to read as follows:

25 Sec. 501.1471. REPORT. (a) Not later than the 30th day
26 after the end of each fiscal quarter, the department shall submit to
27 the Legislative Budget Board and the governor a report that

1 contains, for the preceding quarter:

2 (1) the actual and projected expenditures for the
3 correctional health care system, including expenditures for unit
4 and psychiatric care, hospital and clinical care, and pharmacy
5 services;

6 (2) health care utilization and acuity data;

7 (3) other health care information as determined by the
8 governor and the Legislative Budget Board; and

9 (4) the amount of cost savings realized as a result of
10 contracting for health care services under this subchapter with a
11 provider other than the Texas Tech University Health Sciences
12 Center and The University of Texas Medical Branch.

13 (b) A contract entered into by the department for the
14 provision of health care services must require the contracting
15 entity to provide the department with necessary documentation to
16 fulfill the requirements of this section.

17 SECTION 12. Subsections (a) and (b), Section 501.148,
18 Government Code, are amended to read as follows:

19 (a) The committee may:

20 (1) develop statewide policies for the delivery of
21 correctional health care;

22 ~~(2) [communicate with the department and the~~
23 ~~legislature regarding the financial needs of the correctional~~
24 ~~health care system;~~

25 ~~[(3) in conjunction with the department, monitor the~~
26 ~~expenditures of The University of Texas Medical Branch at Galveston~~
27 ~~and the Texas Tech University Health Sciences Center to ensure that~~

1 ~~those expenditures comply with applicable statutory and~~
2 ~~contractual requirements;~~

3 ~~[(4)]~~ serve as a dispute resolution forum in the event
4 of a disagreement relating to inmate health care services between:

5 (A) the department and the health care providers;
6 or

7 (B) contracting entities ~~[The University of~~
8 ~~Texas Medical Branch at Galveston and the Texas Tech University~~
9 ~~Health Sciences Center;~~

10 ~~[(5) address problems found through monitoring~~
11 ~~activities by the department and health care providers, including~~
12 ~~requiring corrective action if care does not meet expectations as~~
13 ~~determined by those monitoring activities;~~

14 ~~[(6) identify and address long-term needs of the~~
15 ~~correctional health care system]; and~~

16 (3) [(7)] report to the board ~~[Texas Board of Criminal~~
17 ~~Justice]~~ at the board's regularly scheduled meeting each quarter on
18 the committee's policy recommendations~~[, the financial status of~~
19 ~~the correctional health care system, and corrective actions taken~~
20 ~~by or required of the department or the health care providers].~~

21 (b) The committee shall advise the department and the board
22 as necessary, including providing medical expertise and assisting
23 the department and the board in identifying system needs and
24 resolving contract disputes ~~[evaluate and recommend to the board~~
25 ~~sites for new medical facilities that appropriately support the~~
26 ~~managed health care provider network].~~

27 SECTION 13. Subsections (a) and (b), Section 501.1485,

1 Government Code, are amended to read as follows:

2 (a) The department, in cooperation with any contracting
3 entity that is a medical school [~~The University of Texas Medical~~
4 ~~Branch at Galveston and the Texas Tech University Health Sciences~~
5 ~~Center~~], shall develop and implement a training program for
6 corrections medication aides that uses a curriculum specific to
7 administering medication in a correctional setting.

8 (b) In developing the curriculum for the training program,
9 the department and the medical school [~~The University of Texas~~
10 ~~Medical Branch at Galveston, and the Texas Tech University Health~~
11 ~~Sciences Center~~] shall:

12 (1) consider the content of the curriculum developed
13 by the American Correctional Association for certified corrections
14 nurses; and

15 (2) modify as appropriate the content of the
16 curriculum developed under Chapter 242, Health and Safety Code, for
17 medication aides administering medication in convalescent and
18 nursing homes and related institutions to produce content suitable
19 for administering medication in a correctional setting.

20 SECTION 14. Subchapter E, Chapter 508, Government Code, is
21 amended by adding Section 508.1411 to read as follows:

22 Sec. 508.1411. NOTIFICATION OF PAROLE PANEL DECISION.

23 (a) For each decision of a parole panel granting or denying the
24 release of an inmate on parole, or denying the release of an inmate
25 on mandatory supervision, the parole panel shall:

26 (1) produce a written statement, in clear and
27 understandable language, that explains:

1 (A) the decision; and

2 (B) the reasons for the decision only to the
3 extent those reasons relate specifically to the inmate;

4 (2) provide a copy of the statement to the inmate; and

5 (3) place a copy of the statement in the inmate's file.

6 (b) In a written statement produced under Subsection (a),
7 the parole panel may withhold information that:

8 (1) is confidential and not subject to public
9 disclosure under Chapter 552; or

10 (2) the parole panel considers to possibly jeopardize
11 the health or safety of any individual.

12 (c) The board shall keep a copy of each statement produced
13 under Subsection (a) in a central location.

14 SECTION 15. Section 508.144, Government Code, is amended to
15 read as follows:

16 Sec. 508.144. PAROLE GUIDELINES AND RANGE OF RECOMMENDED
17 PAROLE APPROVAL RATES. (a) The board shall:

18 (1) develop according to an acceptable research method
19 the parole guidelines that are the basic criteria on which a parole
20 decision is made;

21 (2) base the guidelines on the seriousness of the
22 offense and the likelihood of a favorable parole outcome;

23 (3) ensure that the guidelines require consideration
24 of an inmate's progress in any programs in which the inmate
25 participated during the inmate's term of confinement; ~~and~~

26 (4) establish and maintain a range of recommended
27 parole approval rates for each category or score within the

1 guidelines; and

2 (5) implement the guidelines.

3 (b) [~~If a board member or parole commissioner deviates from~~
4 ~~the parole guidelines in voting on a parole decision, the member or~~
5 ~~parole commissioner shall:~~

6 [~~(1) produce a written statement describing in detail~~
7 ~~the specific circumstances regarding the departure from the~~
8 ~~guidelines;~~

9 [~~(2) place a copy of the statement in the file of the~~
10 ~~inmate for whom the parole decision was made; and~~

11 [~~(3) provide a copy of the statement to the inmate.~~

12 [~~(c) The board shall keep a copy of a statement made under~~
13 ~~Subsection (b) in a central location.~~

14 [~~(d)~~] The board shall meet annually to review and discuss
15 the parole guidelines and range of recommended parole approval
16 rates [~~developed under Subsection (a)~~]. The board may consult
17 outside experts to assist with the review. The board shall
18 prioritize the use of outside experts, technical assistance, and
19 training in taking any action under Subsection (c). The board must
20 consider:

21 (1) how the parole guidelines and range of recommended
22 parole approval rates serve the needs of parole decision-making;
23 and

24 (2) the extent to which [~~how well~~] the parole
25 guidelines and range of recommended parole approval rates reflect
26 parole panel decisions[+] and

27 [~~(3) how well parole guidelines~~] predict successful

1 parole outcomes.

2 (c) [~~(e)~~] Based on the board's review [~~of the parole~~
3 ~~guidelines~~] under Subsection (b) [~~(d)~~], the board may:

4 (1) update the guidelines by:

5 (A) including new risk factors; or

6 (B) changing the values of offense severity or
7 risk factor scores; or

8 (2) modify the range of recommended parole approval
9 rates under the guidelines, if parole approval rates differ
10 significantly from the range of recommended parole approval rates.

11 (d) [~~(f)~~] The board is not required to hold an open meeting
12 to review the parole guidelines and range of recommended parole
13 approval rates as required by Subsection (b) [~~(d)~~], but any
14 modifications or updates to the guidelines or range of recommended
15 parole approval rates made by the board under Subsection (c) [~~(e)~~]
16 must occur in an open meeting.

17 SECTION 16. Subsection (b), Section 508.1445, Government
18 Code, is amended to read as follows:

19 (b) The report must include:

20 (1) a brief explanation of the parole guidelines,
21 including how the board:

22 (A) defines the risk factors and offense severity
23 levels; and

24 (B) determines the range of recommended parole
25 approval rates for each guideline score;

26 (2) a comparison of the range of recommended parole
27 approval rates under the parole guidelines to the actual approval

1 rates for individual parole panel members, regional offices, and
2 the state as a whole; and

3 (3) a description of instances in which the actual
4 parole approval rates do not meet the range of recommended parole
5 approval rates under the parole guidelines, an explanation of the
6 variations, and a list of actions that the board has taken or will
7 take to meet the guidelines.

8 SECTION 17. The heading to Section 508.152, Government
9 Code, is amended to read as follows:

10 Sec. 508.152. INDIVIDUAL TREATMENT PLAN [~~PROPOSED PROGRAM~~
11 ~~OF INSTITUTIONAL PROGRESS~~].

12 SECTION 18. Section 508.152, Government Code, is amended by
13 amending Subsections (b) and (d) and adding Subsections (b-1) and
14 (b-2) to read as follows:

15 (b) The department shall:

16 (1) establish for the inmate an individual treatment
17 plan [~~a proposed program of measurable institutional progress~~]; and

18 (2) submit the plan [~~proposed program~~] to the board at
19 the time of the board's consideration of the inmate's case for
20 release.

21 (b-1) The department shall include in an inmate's
22 individual treatment plan:

23 (1) a record of the inmate's institutional progress
24 that includes the inmate's participation in any program, including
25 an intensive volunteer program as defined by the department;

26 (2) the results of any assessment of the inmate,
27 including any assessment made using the risk and needs assessment

1 instrument adopted under Section 501.0921 and any vocational,
2 educational, or substance abuse assessment;

3 (3) the dates on which the inmate must participate in
4 any subsequent assessment; and

5 (4) all of the treatment and programming needs of the
6 inmate, prioritized based on the inmate's assessed needs.

7 (b-2) At least once in every 12-month period, the department
8 shall review each inmate's individual treatment plan to assess the
9 inmate's institutional progress and revise or update the plan as
10 necessary.

11 (d) Before the inmate is approved for release on parole, the
12 inmate must agree to participate in the programs and activities
13 described by the individual treatment plan [~~proposed program of~~
14 ~~measurable institutional progress~~].

15 SECTION 19. Section 508.281, Government Code, is amended by
16 adding Subsection (e) to read as follows:

17 (e) Any hearing required to be conducted by a parole panel
18 under this chapter may be conducted by a designated agent of the
19 board. The designated agent may make recommendations to a parole
20 panel that has responsibility for making a final determination.

21 SECTION 20. Chapter 509, Government Code, is amended by
22 adding Section 509.0041 to read as follows:

23 Sec. 509.0041. USE OF RISK AND NEEDS ASSESSMENT INSTRUMENT.
24 The division shall require each department to use the risk and needs
25 assessment instrument adopted by the Texas Department of Criminal
26 Justice under Section 501.0921 to assess each defendant at the time
27 of the defendant's initial placement on community supervision and

1 at other times as required by the comprehensive reentry and
2 reintegration plan adopted under Section 501.092.

3 SECTION 21. Subsection (b), Section 509.010, Government
4 Code, is amended to read as follows:

5 (b) Before the 30th day before the date of the meeting, the
6 division, the department that the facility is to serve, or a vendor
7 proposing to operate the facility shall:

8 (1) publish by advertisement that is not less than
9 3-1/2 inches by 5 inches notice of the date, hour, place, and
10 subject of the hearing required by Subsection (a) in three
11 consecutive issues of a newspaper of, or in newspapers that
12 collectively have, general circulation in the county in which the
13 proposed facility is to be located; and

14 (2) mail a copy of the notice to each police chief,
15 sheriff, city council member, mayor, county commissioner, county
16 judge, school board member, state representative, and state senator
17 who serves or represents the area in which the proposed facility is
18 to be located, unless the proposed facility has been previously
19 authorized to operate at a particular location as part of a
20 community justice plan submitted by a community justice council
21 under Section 509.007 [~~76.003~~].

22 SECTION 22. Subsection (a), Section 509.011, Government
23 Code, is amended to read as follows:

24 (a) If the division determines that a department complies
25 with division standards and if the community justice council has
26 submitted a community justice plan under Section 509.007 [~~76.003~~]
27 and the supporting information required by the division and the

1 division determines the plan and supporting information are
2 acceptable, the division shall prepare and submit to the
3 comptroller vouchers for payment to the department as follows:

4 (1) for per capita funding, a per diem amount for each
5 felony defendant directly supervised by the department pursuant to
6 lawful authority;

7 (2) for per capita funding, a per diem amount for a
8 period not to exceed 182 days for each defendant supervised by the
9 department pursuant to lawful authority, other than a felony
10 defendant; and

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

15 SECTION 23. Chapter 509, Government Code, is amended by
16 adding Sections 509.013 and 509.014 to read as follows:

17 Sec. 509.013. GRANT PROGRAM ADMINISTRATION. (a) In this
18 section, "grant program" means a grant program administered by the
19 division through which the division awards grants to departments
20 through an application process.

21 (b) The division shall:

22 (1) establish goals for each grant program that are
23 consistent with the purposes described by Section 509.002 and the
24 mission of the division;

25 (2) establish grant application, review, award, and
26 evaluation processes;

27 (3) establish the process by which and grounds on

1 which an applicant may appeal a decision of the division regarding a
2 grant application;

3 (4) establish and maintain a system to routinely
4 monitor grant performance;

5 (5) establish and make available to the public:

6 (A) all criteria used in evaluating grant
7 applications; and

8 (B) all factors used to measure grant program
9 performance;

10 (6) publish on the division's Internet website for
11 each grant awarded:

12 (A) the amount awarded;

13 (B) the method used in scoring the grant
14 applications and the results of that scoring; and

15 (C) additional information describing the
16 methods used to make the funding determination; and

17 (7) require each department to submit
18 program-specific outcome data for the division's use in making
19 grant awards and funding decisions.

20 Sec. 509.014. STUDY REGARDING PERFORMANCE-BASED FUNDING.

21 (a) The division shall:

22 (1) review the funding formulas specified under
23 Section 509.011 and study the feasibility of adopting
24 performance-based funding formulas, including whether the formulas
25 should take into consideration an offender's risk level or other
26 appropriate factors in allocating funding; and

27 (2) make recommendations for modifying the current

1 funding formulas.

2 (b) In conducting the study and making recommendations
3 under Subsection (a), the division shall:

4 (1) seek input from departments, the judicial advisory
5 council established under Section 493.003(b), and other relevant
6 interest groups; and

7 (2) in consultation with the Legislative Budget Board,
8 determine the impact of any recommendations on the allocation of
9 the division's funds as projected by the Legislative Budget Board.

10 (c) The division shall include in the reports prepared under
11 Sections 509.004(c) and 509.016(c):

12 (1) the findings of the study;

13 (2) any recommendations regarding modifying the
14 funding formulas; and

15 (3) the projected impact of the recommendations on the
16 allocation of the division's funds.

17 SECTION 24. Article 42.01, Code of Criminal Procedure, is
18 amended by adding Section 11 to read as follows:

19 Sec. 11. In addition to the information described by
20 Section 1, the judgment should reflect whether a victim impact
21 statement was returned to the attorney representing the state
22 pursuant to Article 56.03(e).

23 SECTION 25. Subsection (e), Article 56.03, Code of Criminal
24 Procedure, is amended to read as follows:

25 (e) Prior to the imposition of a sentence by the court in a
26 criminal case, the court[~~, if it has received a victim impact~~
27 ~~statement,~~] shall, as applicable in the case, inquire as to whether

1 a victim impact statement has been returned to the attorney
2 representing the state and, if a victim impact statement has been
3 returned to the attorney representing the state, consider the
4 information provided in the statement. Before sentencing the
5 defendant, the court shall permit the defendant or the defendant's
6 ~~[his]~~ counsel a reasonable time to read the statement, excluding
7 the victim's name, address, and telephone number, comment on the
8 statement, and, with the approval of the court, introduce testimony
9 or other information alleging a factual inaccuracy in the
10 statement. If the court sentences the defendant to a term of
11 community supervision, the attorney representing the state ~~[court]~~
12 shall forward any victim's impact statement received in the case to
13 the community supervision and corrections department supervising
14 the defendant~~[, along with the papers in the case]~~.

15 SECTION 26. Article 56.04, Code of Criminal Procedure, is
16 amended by adding Subsection (d-1) and amending Subsection (e) to
17 read as follows:

18 (d-1) The victim services division of the Texas Department
19 of Criminal Justice, in consultation with the Board of Pardons and
20 Paroles, law enforcement agencies, prosecutors' offices, and other
21 participants in the criminal justice system, shall develop
22 recommendations to ensure that completed victim impact statements
23 are submitted to the Texas Department of Criminal Justice as
24 provided by this chapter.

25 (e) On inquiry by the court, the attorney representing the
26 state ~~[The victim assistance coordinator]~~ shall make available
27 ~~[send]~~ a copy of a victim impact statement for consideration by ~~[to]~~

1 the court sentencing the defendant. If the court sentences the
2 defendant to imprisonment in the Texas Department of Criminal
3 Justice, the court [~~it~~] shall attach the copy of the victim impact
4 statement to the commitment papers.

5 SECTION 27. Chapter 19, Education Code, is amended by
6 adding Section 19.0022 to read as follows:

7 Sec. 19.0022. SUNSET PROVISION. The Windham School
8 District is subject to review under Chapter 325, Government Code
9 (Texas Sunset Act). The district shall be reviewed during the
10 period in which the Texas Department of Criminal Justice is
11 reviewed.

12 SECTION 28. Section 19.0041, Education Code, is amended to
13 read as follows:

14 Sec. 19.0041. PROGRAM DATA COLLECTION AND BIENNIAL
15 EVALUATION AND REPORT [~~OF TRAINING SERVICES~~]. (a) To evaluate the
16 effectiveness of its programs [~~training services provided to~~
17 ~~persons confined or imprisoned in the department~~], the Windham
18 School District shall [~~consult with the Legislative Budget Board~~
19 ~~to~~] compile and analyze information for each of its programs,
20 including performance-based information and data related to
21 academic, vocational training, and life skills programs [~~person who~~
22 ~~receives the training services~~]. This information shall include
23 for each person who participates in district programs an evaluation
24 of:

- 25 (1) institutional disciplinary violations;
26 (2) subsequent arrests;
27 (3) subsequent convictions or confinements;

1 (4) the cost of confinement;

2 (5) educational achievement;

3 (6) high school equivalency examination passage;

4 (7) the kind of training services provided;

5 (8) [(2)] the kind of employment the person obtains on
6 release;

7 (9) [(3)] whether the employment was related to
8 training;

9 (10) [(4)] the difference between the amount of the
10 person's earnings on the date employment is obtained following
11 release and the amount of those earnings on the first anniversary of
12 that date; and

13 (11) [(5)] the retention factors associated with the
14 employment.

15 (b) The Windham School District shall use the information
16 compiled and analyzed under Subsection (a) to biennially:

17 (1) evaluate whether its programs meet the goals under
18 Section 19.003 and make changes to the programs as necessary; and

19 (2) [~~Legislative Budget Board shall~~] submit a [~~an~~
20 ~~annual~~] report to the board, the legislature, and the governor's
21 office [~~based on data compiled and analyzed under Subsection (a)].~~

22 (c) The Windham School District may enter into a memorandum
23 of understanding with the department, the Department of Public
24 Safety, and the Texas Workforce Commission to obtain and share data
25 necessary to evaluate district programs.

26 SECTION 29. The following provisions of the Government Code
27 are repealed:

- 1 (1) Subsection (i), Section 493.009;
- 2 (2) Section 501.100; and
- 3 (3) Subsections (c) and (d), Section 501.148.

4 SECTION 30. Not later than October 1, 2013, each facility
5 under the oversight of the correctional institutions division of
6 the Texas Department of Criminal Justice shall establish a case
7 management committee as required by Section 493.031, Government
8 Code, as added by this Act.

9 SECTION 31. Not later than January 1, 2014:

10 (1) the Texas Department of Criminal Justice shall
11 adopt the comprehensive reentry and reintegration plan required by
12 Section 501.092, Government Code, as amended by this Act; and

13 (2) the executive director of the Texas Department of
14 Criminal Justice shall appoint representatives to serve on the
15 reentry task force as required by Section 501.098, Government Code,
16 as amended by this Act.

17 SECTION 32. Not later than September 1, 2016, the Texas
18 Department of Criminal Justice shall submit the first report
19 required by Subsection (i), Section 501.092, Government Code, as
20 added by this Act.

21 SECTION 33. (a) Not later than January 31, 2014, the
22 governor shall appoint to the Correctional Managed Health Care
23 Committee one member from each of the first two medical schools, so
24 as to comply with the membership requirements of Subdivision (4),
25 Subsection (a), Section 501.133, Government Code, as amended by
26 this Act, based on an alphabetical listing of the names of the
27 medical schools.

1 (b) Not later than January 31, 2014, the governor shall
2 appoint to the Correctional Managed Health Care Committee two
3 members who are licensed mental health professionals, so as to
4 comply with the membership requirements of Subdivision (5),
5 Subsection (a), Section 501.133, Government Code, as added by this
6 Act.

7 (c) Notwithstanding the terms of the members as provided by
8 Subsections (a) and (b), Section 501.136, Government Code, as added
9 by this Act, the terms of the members appointed under this section
10 expire February 1, 2017.

11 SECTION 34. Not later than the 30th day after the end of the
12 first quarter of fiscal year 2014, the Texas Department of Criminal
13 Justice shall submit the first report required by Section 501.1471,
14 Government Code, as added by this Act.

15 SECTION 35. Section 508.1411, Government Code, as added by
16 this Act, applies only to a decision of a parole panel made on or
17 after November 1, 2013. A decision of a parole panel made before
18 November 1, 2013, is governed by the law in effect immediately
19 before the effective date of this Act, and the former law is
20 continued in effect for that purpose.

21 SECTION 36. Not later than January 1, 2014, the Board of
22 Pardons and Paroles shall establish the range of recommended parole
23 approval rates required by Subsection (a), Section 508.144,
24 Government Code, as amended by this Act.

25 SECTION 37. Not later than January 1, 2014, the community
26 justice assistance division of the Texas Department of Criminal
27 Justice shall adopt forms, establish procedures, and take other

1 actions necessary to comply with the requirements of Section
2 509.013, Government Code, as added by this Act.

3 SECTION 38. Not later than January 1, 2017, the community
4 justice assistance division of the Texas Department of Criminal
5 Justice shall include in the reports submitted under Subsection
6 (c), Section 509.004 and Subsection (c), Section 509.016,
7 Government Code, the findings, recommendations, and projected
8 impact of recommendations from the first study conducted under
9 Section 509.014, Government Code, as added by this Act.

10 SECTION 39. Before January 1, 2014, the victim services
11 division of the Texas Department of Criminal Justice shall develop
12 the recommendations required by Subsection (d-1), Article 56.04,
13 Code of Criminal Procedure, as added by this Act.

14 SECTION 40. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 213 passed the Senate on April 2, 2013, by the following vote: Yeas 31, Nays 0; May 8, 2013, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 9, 2013, House granted request of the Senate; May 25, 2013, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 213 passed the House, with amendments, on May 6, 2013, by the following vote: Yeas 145, Nays 0, one present not voting; May 9, 2013, House granted request of the Senate for appointment of Conference Committee; May 26, 2013, House adopted Conference Committee Report by the following vote: Yeas 140, Nays 2, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor