

1-1 By: White of Tyler, Flynn H.B. No. 1930
 1-2 (Senate Sponsor - Menéndez)
 1-3 (In the Senate - Received from the House May 11, 2015;
 1-4 May 12, 2015, read first time and referred to Committee on Criminal
 1-5 Justice; May 22, 2015, reported favorably by the following vote:
 1-6 Yeas 6, Nays 1; May 22, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to strategic planning for the operation of community
 1-19 supervision and corrections departments.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 76.002(a), Government Code, is amended
 1-22 to read as follows:

1-23 (a) The district judge or district judges trying criminal
 1-24 cases in each judicial district and the statutory county court
 1-25 judges trying criminal cases in the county or counties served by the
 1-26 judicial district shall:

1-27 (1) establish a community supervision and corrections
 1-28 department; and

1-29 (2) approve the department's budget and strategic
 1-30 ~~[community justice]~~ plan.

1-31 SECTION 2. Sections 76.003(a) and (b), Government Code, are
 1-32 amended to read as follows:

1-33 (a) A community justice council ~~may~~ must be established by
 1-34 the ~~commissioners court of a county [judges described by Section~~
 1-35 ~~76.002 who are served by a department]~~, unless a board or council
 1-36 that was in existence on September 1, 1991, is performing duties
 1-37 substantially similar to those imposed on a community justice
 1-38 council under this section. The council shall provide continuing
 1-39 policy guidance and direction for criminal ~~[the development of~~
 1-40 ~~community] justice planning [plans and community corrections~~
 1-41 ~~facilities]~~, programs, and initiatives ~~[conditions of community~~
 1-42 ~~supervision]~~.

1-43 (b) A council may ~~[should]~~ consist of the following persons
 1-44 or their designees:

1-45 (1) a sheriff of a county served by the department,
 1-46 chosen by the sheriffs of the counties to be served by the
 1-47 department;

1-48 (2) a county commissioner or a county judge from a
 1-49 county served by the department, chosen by the county commissioners
 1-50 and county judges of the counties served by the department;

1-51 (3) a city council member of the most populous
 1-52 municipality in a county served by the department, chosen by the
 1-53 members of the city councils of cities served by the department;

1-54 (4) not more than two state legislators elected from a
 1-55 county served by the department, or in a county with a population of
 1-56 one million or more to be served by the department, not more than
 1-57 one state senator and one state representative elected from the
 1-58 county, chosen by the state legislators elected from the county or
 1-59 counties served by the department;

1-60 (5) the presiding judge from a judicial district
 1-61 served by the department, chosen by the district judges from the

2-1 judicial districts served by the department;

2-2 (6) a judge of a statutory county court exercising
2-3 criminal jurisdiction in a county served by the department, chosen
2-4 by the judges of statutory county courts with criminal jurisdiction
2-5 in the counties served by the department;

2-6 (7) a county attorney with criminal jurisdiction from
2-7 a county served by the department, chosen by the county attorneys
2-8 with criminal jurisdiction from the counties served by the
2-9 department;

2-10 (8) a district attorney or criminal district attorney
2-11 from a judicial district served by the department, chosen by the
2-12 district attorneys or criminal district attorneys from the judicial
2-13 districts served by the department;

2-14 (9) an elected member of the board of trustees of an
2-15 independent school district in a county served by the department,
2-16 chosen by the members of the boards of trustees of independent
2-17 school districts located in counties served by the department; and

2-18 (10) the department director.

2-19 SECTION 3. Section 76.006(j), Government Code, is amended
2-20 to read as follows:

2-21 (j) The attorney general shall defend a statutory county
2-22 court judge in an action in state or federal court if:

2-23 (1) the cause of action is the result of the judge
2-24 performing a duty described by Section 76.002 [~~76.003~~] or 76.004;
2-25 and

2-26 (2) the judge requests the attorney general's
2-27 assistance in the defense.

2-28 SECTION 4. Section 76.010(c), Government Code, is amended
2-29 to read as follows:

2-30 (c) The department may authorize expenditures of funds
2-31 provided by the division to the department for the purposes of
2-32 providing facilities, equipment, and utilities for community
2-33 corrections facilities or state jail felony facilities if:

2-34 (1) the judges described by Section 76.002 recommend
2-35 ~~[community justice council recommends]~~ the expenditures; and

2-36 (2) the division, or the correctional institutions
2-37 division of the Texas Department of Criminal Justice in the case of
2-38 a state jail felony facility, provides funds for the purpose of
2-39 assisting in the establishment or improvement of the facilities.

2-40 SECTION 5. Section 121.002(c), Government Code, is amended
2-41 to read as follows:

2-42 (c) Notwithstanding any other law, a specialty court
2-43 program may not operate until the judge, magistrate, or
2-44 coordinator:

2-45 (1) provides to the criminal justice division of the
2-46 governor's office:

2-47 (A) written notice of the program;

2-48 (B) any resolution or other official declaration
2-49 under which the program was established; and

2-50 (C) a copy of the applicable strategic ~~[community~~
2-51 ~~justice]~~ plan that incorporates duties related to supervision that
2-52 will be required under the program; and

2-53 (2) receives from the division written verification of
2-54 the program's compliance with Subdivision (1).

2-55 SECTION 6. Section 509.001(1), Government Code, is amended
2-56 to read as follows:

2-57 (1) "Community corrections facility" means a physical
2-58 structure, established by the judges described by Section 76.002
2-59 after authorization of the establishment of the structure has been
2-60 included in a department's strategic ~~[the local community justice]~~
2-61 plan, that is operated by the ~~[a]~~ department or operated for the ~~[a]~~
2-62 department by an entity under contract with the department, for the
2-63 purpose of treating persons who have been placed on community
2-64 supervision or who are participating in a drug court program
2-65 established under Chapter 123 or former law and providing services
2-66 and programs to modify criminal behavior, deter criminal activity,
2-67 protect the public, and restore victims of crime. The term
2-68 includes:

2-69 (A) a restitution center;

- 3-1 (B) a court residential treatment facility;
- 3-2 (C) a substance abuse treatment facility;
- 3-3 (D) a custody facility or boot camp;
- 3-4 (E) a facility for an offender with a mental
- 3-5 impairment, as defined by Section 614.001, Health and Safety Code;
- 3-6 and
- 3-7 (F) an intermediate sanction facility.

3-8 SECTION 7. Section 509.003(a), Government Code, is amended
3-9 to read as follows:

3-10 (a) The division shall propose and the board shall adopt
3-11 reasonable rules establishing:

3-12 (1) minimum standards for programs, community
3-13 corrections facilities and other facilities, equipment, and other
3-14 aspects of the operation of departments;

3-15 (2) a list and description of core services that
3-16 should be provided by each department;

3-17 (3) methods for measuring the success of community
3-18 supervision and corrections programs, including methods for
3-19 measuring rates of diversion, program completion, and recidivism;

3-20 (4) a format for strategic ~~[community justice]~~ plans;
3-21 and

3-22 (5) minimum standards for the operation of substance
3-23 abuse facilities and programs funded through the division.

3-24 SECTION 8. Sections 509.004(a) and (c), Government Code,
3-25 are amended to read as follows:

3-26 (a) The division shall require each department to:

3-27 (1) keep financial and statistical records determined
3-28 necessary by the division;

3-29 (2) submit a strategic ~~[community justice]~~ plan and
3-30 all supporting information requested by the division;

3-31 (3) present data requested by the division as
3-32 necessary to determine the amount of state aid for which the
3-33 department is eligible;

3-34 (4) submit periodic financial audits and statistical
3-35 reports to the division; and

3-36 (5) submit to the Department of Public Safety the full
3-37 name, address, date of birth, social security number, and driver's
3-38 license number of each person restricted to the operation of a motor
3-39 vehicle equipped with a device that uses a deep-lung breath
3-40 analysis mechanism to make impractical the operation of the motor
3-41 vehicle if ethyl alcohol is detected in the breath of the restricted
3-42 operator.

3-43 (c) The division shall prepare a report that contains a
3-44 ~~[detailed]~~ summary of the programs and services provided by
3-45 departments, as described in each strategic ~~[community justice]~~
3-46 plan submitted to the division under Section 509.007. ~~[The report~~
3-47 ~~must include:~~

3-48 ~~[(1) all financial information relating to the~~
3-49 ~~programs and services described in each community justice plan; and~~

3-50 ~~[(2) information concerning the amount of state aid~~
3-51 ~~and funding that is not state aid used to support each program or~~
3-52 ~~service provided by a department.]~~

3-53 SECTION 9. Section 509.007, Government Code, is amended to
3-54 read as follows:

3-55 Sec. 509.007. STRATEGIC ~~[COMMUNITY JUSTICE]~~ PLAN. (a) The
3-56 division shall require as a condition to payment of state aid to a
3-57 department or county under Section 509.011 ~~[and eligibility for~~
3-58 ~~payment of costs under Section 499.124]~~ that a strategic ~~[community~~
3-59 ~~justice]~~ plan be submitted for the department. The department
3-60 ~~[community justice council]~~ shall submit the plan required by this
3-61 subsection. A department ~~[community justice council]~~ may not
3-62 submit a plan under this section unless the plan is first approved
3-63 by the judges described by Section 76.002 who established the
3-64 department ~~[served by the council]~~. The department ~~[council]~~
3-65 shall submit a revised plan to the division each even-numbered year
3-66 not later than March 1. A plan may be amended at any time with the
3-67 approval of the division.

3-68 (b) A strategic ~~[community justice]~~ plan required under
3-69 this section must include:

4-1 (1) a statement of goals and priorities and of
4-2 commitment by the department and ~~[community justice council]~~ the
4-3 judges described by Section 76.002 who established the department [~~7~~
4-4 ~~and the department director~~] to achieve a targeted level of
4-5 alternative sanctions;

4-6 (2) a description of methods for measuring the success
4-7 of programs provided by the department or provided by an entity
4-8 served by the department;

4-9 (3) a summary ~~[proposal for the use of state jail~~
4-10 ~~felony facilities and, at the discretion of the community justice~~
4-11 ~~council, a regional proposal for the construction, operation,~~
4-12 ~~maintenance, or management of a state jail felony facility by a~~
4-13 ~~county, a community supervision and corrections department, or a~~
4-14 ~~private vendor under a contract with a county or a community~~
4-15 ~~supervision and corrections department,~~

4-16 ~~[(4) a description]~~ of the programs and services the
4-17 department provides or intends to provide, including a separate
4-18 summary ~~[description]~~ of:

4-19 (A) any services the department intends to
4-20 provide in relation to a specialty court program; and

4-21 (B) any programs or other services the department
4-22 intends to provide to enhance public safety, reduce recidivism,
4-23 strengthen the investigation and prosecution of criminal offenses,
4-24 improve programs and services available to victims of crime, and
4-25 increase the amount of restitution collected from persons
4-26 supervised by the department; and

4-27 (4) ~~(5)~~ an outline of the department's projected
4-28 programmatic and budgetary needs, based on the programs and
4-29 services the department both provides and intends to provide.

4-30 SECTION 10. Section 509.0071(a), Government Code, is
4-31 amended to read as follows:

4-32 (a) In addition to submitting a strategic ~~[community~~
4-33 ~~justice]~~ plan to the division under Section 509.007, a department
4-34 or a regional partnership of departments may submit a commitment
4-35 reduction plan to the division not later than the 60th day after the
4-36 date on which the time for gubernatorial action on the state budget
4-37 has expired under Section 14, Article IV, Texas Constitution.

4-38 SECTION 11. Section 509.010(f), Government Code, is amended
4-39 to read as follows:

4-40 (f) A department, a county, a municipality, or a combination
4-41 involving more than one of those entities may not take an action
4-42 under Section 76.010 unless the ~~[community justice council serving~~
4-43 ~~the]~~ entity or entities hold ~~[holds]~~ a public meeting before the
4-44 action is taken, with notice provided and the hearing to be held in
4-45 the same manner as provided by Subsections (a) through (e).

4-46 SECTION 12. Sections 509.011(a) and (d), Government Code,
4-47 are amended to read as follows:

4-48 (a) If the division determines that a department complies
4-49 with division standards and if the department ~~[community justice~~
4-50 ~~council]~~ has submitted a strategic ~~[community justice]~~ plan under
4-51 Section 509.007 and the supporting information required by the
4-52 division and the division determines the plan and supporting
4-53 information are acceptable, the division shall prepare and submit
4-54 to the comptroller vouchers for payment to the department as
4-55 follows:

4-56 (1) for per capita funding, a per diem amount for each
4-57 felony defendant directly supervised by the department pursuant to
4-58 lawful authority;

4-59 (2) for per capita funding, a per diem amount for a
4-60 period not to exceed 182 days for each defendant supervised by the
4-61 department pursuant to lawful authority, other than a felony
4-62 defendant; and

4-63 (3) for formula funding, an annual amount as computed
4-64 by multiplying a percentage determined by the allocation formula
4-65 established under Subsection (f) times the total amount provided in
4-66 the General Appropriations Act for payments under this subdivision.

4-67 (d) The division shall provide state aid to each department
4-68 on a biennial basis, pursuant to the strategic ~~[community justice]~~
4-69 plan for the biennium submitted by the department. A department

5-1 with prior division approval may transfer funds from one program or
5-2 function to another program or function.

5-3 SECTION 13. Sections 499.151(d) and 507.001(e), Government
5-4 Code, are repealed.

5-5 SECTION 14. This Act takes effect September 1, 2015.

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