

BILL ANALYSIS

Senate Research Center

S.B. 213
By: Whitmire; Nichols
Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this bill is to enact the recommendations of the Sunset Advisory Commission (Sunset Commission) regarding the Texas Department of Criminal Justice (TDCJ), the Windham School District, the Texas Board of Pardons and Paroles (BPP), and the Correctional Managed Health Care Committee (CMHCC). Created in 1989 by consolidating Texas's adult probation, incarceration, and parole functions, TDCJ works with the Windham School District, CMHCC, and BPP to operate and oversee the adult criminal justice system in Texas.

BPP and TDCJ are subject to the Sunset Act and will be abolished on September 1, 2013, unless continued by the legislature. The Windham School District is subject to a limited purpose review by the Sunset Commission as part of the review of TDCJ for the 83rd Legislature. BPP is not subject to abolishment, but is subject to Sunset review at the same time as TDCJ. CMHCC is subject to Sunset review at the same time as TDCJ.

The Sunset Commission found that Texas has a clear and ongoing need for these entities, but that changes are needed to improve the coordination and integration of their programs, and to better measure and manage program performance to help achieve more successful outcomes, such as reducing recidivism and incarceration costs.

S.B. 213 amends current law 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.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Department of Criminal Justice is rescinded in SECTION 5 (Section 501.098, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 492.012, Government Code, to provide that unless continued in existence by Chapter 325 (Texas Sunset Act), the Texas Board of Criminal Justice (TBCJ) and the Texas Department of Criminal Justice (TDCJ) are abolished September 1, 2021, rather than September 1, 2013.

SECTION 2. Amends Chapter 493, Government Code, by adding Section 493.031, as follows:

Sec. 493.031. CASE MANAGEMENT COMMITTEES. (a) Requires that each facility under the oversight of the correctional institutions division 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. Requires the case management committee to:

- (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, including participation in any program or

service that may be available through TDCJ, the Windham School District, or any volunteer organization; and

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

(b) Requires that a case management committee include the members of the unit classification committee. Authorizes a case management committee to include any of the following members, based on availability and inmate needs:

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

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

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

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

SECTION 3. Reenacts Section 501.092, Government Code, as added by Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular Session, 2009, and amends it as follows:

Sec. 501.092. COMPREHENSIVE REENTRY AND REINTEGRATION PLAN FOR OFFENDERS. (a) Requires TDCJ to develop and adopt a comprehensive plan to reduce recidivism and ensure the successful reentry and reintegration of offenders into the community following an offender's release or discharge from a correctional facility.

(b) Requires that the reentry and reintegration plan adopted under this section:

(1) incorporate the use of the risk and needs assessment instrument adopted under Section 501.0921, rather than requiring that the developed plan provide for an assessment of offenders entering a correctional facility to determine which skills the offender needs to develop to be successful in the community following release or discharge;

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

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

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

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

(A) target eligible offenders efficiently; and

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

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

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

(8) identify providers of existing local programs and transitional services with whom TDCJ may contract under Section 495.028 (Implementation of Reentry and Reintegration Plan) to implement the reentry and reintegration plan; and

(9) subject to Subsection (f), provide for the sharing of information between local coordinators, persons with whom TDCJ contracts under Section 495.028, and other providers of services as necessary to adequately assess and address the needs of each offender.

Makes nonsubstantive changes.

(c) Requires TDCJ, in consultation with the Board of Pardons and Paroles (BPP) and the Windham School District, to establish the role of each entity in providing reentry and reintegration services. Requires that the reentry and reintegration plan adopted under this section include, with respect to TDCJ, BPP, and the Windham School District:

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

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

(3) specific timelines for each entity to implement the components of the reentry and reintegration plan for which the entity is responsible.

(d) Requires TDCJ to regularly evaluate the reentry and reintegration plan adopted under this section. Requires TDCJ to update the plan not less than once in each three-year period following the adoption of the plan.

(e) Requires TDCJ to provide a copy of the initial reentry and reintegration plan adopted under this section and each evaluation and revision of the plan to TBCJ, the Windham School District, and BPP.

(f) Creates this subsection from existing text. Authorizes an offender's personal health information to be disclosed under Subsection (b)(9), rather than Subsection (b)(5), only if the offender consents to the disclosure and the disclosure does not violate certain statutes.

(g) Redesignates existing Subsection (d) as Subsection (g). Makes no further change to this subsection.

(h) Redesignates existing Subsection (e) as Subsection (h). Requires TDCJ, in developing the reentry and reintegration plan adopted under this section, to ensure that the reentry program for long-term inmates under Section 501.096 (Reentry Program for Long-Term Inmates) and the reintegration services provided under Section 501.097 (Reintegration Services) are incorporated into the plan.

(i) Requires TDCJ, not later than September 1 of each even-numbered year, to deliver a report of the results of evaluations conducted under Subsection (b)(7) to the lieutenant governor, the speaker of the house of representatives, and each standing committee of the senate and house of representatives having primary jurisdiction over TDCJ.

SECTION 4. Amends Subchapter C, Chapter 501, Government Code, by adding Section 501.0921, as follows:

Sec. 501.0921. RISK AND NEEDS ASSESSMENT INSTRUMENT. (a) Requires TDCJ to adopt a standardized instrument to assess, based on criminogenic factors, the risks and needs of each offender within the adult criminal justice system.

(b) Requires TDCJ to make the risk and needs assessment instrument available for use by each community supervision and corrections department established under Chapter 76 (Community Supervision and Corrections Departments).

(c) Requires TDCJ and the Windham School District to jointly determine the duties of each entity with respect to implementing the risk and needs assessment instrument in order to efficiently use existing assessment processes.

(d) Requires TDCJ to specify a timeline for the testing, adoption, and implementation of the risk and needs assessment instrument. Requires TDCJ's timeline to provide for the use of the instrument to be fully implemented not later than January 1, 2015. Provides that this subsection expires January 1, 2016.

SECTION 5. Reenacts Section 501.098, Government Code, as added by Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular Session, 2009, and amends it as follows:

Sec. 501.098. REENTRY TASK FORCE. (a) Requires TDCJ to establish a reentry task force and to coordinate the work of the task force with the Office of Court Administration (OCA). Requires the executive director of TDCJ (executive director) to ensure that the task force includes representatives of certain entities, including the Texas Juvenile Justice Department, rather than the Texas Youth Commission; BPP; the Windham School District; the Texas Commission on Jail Standards; the Department of State Health Services; the Texas Court of Criminal Appeals; the County Judges and Commissioners Association of Texas; the Sheriffs' Association of Texas; the Texas District and County Attorneys Association; and the Texas Conference of Urban Counties. Deletes existing text requiring TDCJ to coordinate the work of the task force with OCA, and by rule to enter into a memorandum of understanding with certain entities to establish a reentry task force.

(b) Requires the executive director to appoint a representative from each of the following entities to serve on the reentry task force:

(1) a community supervision and corrections department established under Chapter 76;

(2) an organization that advocates on behalf of offenders;

(3) a local reentry planning entity; and

(4) a statewide organization, rather than an organization selected by TDCJ, that advocates for or provides reentry or reintegration services to offenders following their release or discharge from a correctional facility.

(c) Requires the executive director, to the extent feasible, to ensure that the membership of the reentry task force reflects the geographic diversity of this state and includes members of both rural and urban communities.

(d) Authorizes the executive director to appoint additional members as the executive director determines necessary.

(e) Redesignates existing Subsection (b) as Subsection (e). Requires the reentry task force, rather than authorizing the reentry task force established under Subsection (a), to:

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

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

(f) Requires the reentry task force, in performing its duties under Subsection (e), to:

(1) identify:

(A) specific goals of the task force;

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

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

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

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

SECTION 6. Amends Section 501.131, Government Code, as follows:

Sec. 501.131. New heading: DEFINITIONS. Defines "contracting entity," and "medical school" in this subchapter. Makes nonsubstantive changes.

SECTION 7. Amends Section 501.133, Government Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides that the Correctional Managed Health Care Committee (CMHCC) consists of nine, rather than five, voting members and one nonvoting member as follows:

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

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

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

(4) two members who are physicians, each of whom is employed full-time by a medical school other than UTMB-Galveston or TTUHSC, appointed by the governor;

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

(6) two public members appointed by the governor who are not affiliated with TDCJ or with any contracting entity, rather than two public members appointed by the governor who are not affiliated with TDCJ or with any entity with which CMHCC has contracted to provide health care services under this chapter, at least one of whom is licensed to practice medicine in this state; and

(7) the state Medicaid director or a person employed full-time by the Health and Human Services Commission and appointed by the Medicaid director, to serve ex officio as a nonvoting member.

Makes nonsubstantive changes.

(c) Requires a CMHCC member appointed under Subsection (a)(7) to assist TDCJ with developing the expertise needed to accurately assess health care costs and determine appropriate rates.

SECTION 8. Amends Section 501.136, Government Code, as follows:

Sec. 501.136. New heading: APPOINTMENT; TERMS OF OFFICE; VACANCY. (a) Provides that the two CMHCC members appointed under Section 501.133(a)(4) serve concurrent four-year terms expiring on February 1 following the fourth anniversary of the date of appointment. Requires the governor, on the expiration of the terms, to appoint one member from each of the next two medical schools that, based on an alphabetical listing of the names of the medical schools, follow the medical schools that employ the vacating members. Prohibits a medical school from being represented at any given time by more than one member appointed under Section 501.133(a)(4).

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

(c) Creates this subsection from existing text. Provides that public members appointed under Section 501.133(a)(6), rather than CMHCC members appointed by the governor, serve staggered four-year terms, with the term of one of those members expiring on February 1 of each odd-numbered year.

(d) Creates this subsection from existing text and makes no further change.

(e) Requires the appropriate appointing authority, if a vacancy occurs, to appoint a person, in the same manner as the original appointment, to serve for the remainder of the unexpired term. Requires the governor, if a vacancy occurs in a position appointed under Section 501.133(a)(4), to appoint a physician employed by the same medical school as that of the vacating member.

SECTION 9. Amends Section 501.146, Government Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires CMHCC to develop and approve a managed health care plan for all persons confined by TDCJ that:

(1) specifies the types and general level of care to be provided to persons confined by TDCJ; and

(2) ensures continued access to needed care in the correctional health care system.

Deletes existing text requiring CMHCC to develop a managed health care plan for all persons confined by TDCJ that includes the establishment of a managed health care provider network of physicians and hospitals that will serve TDCJ as the exclusive health care provider for persons confined in institutions operated by TDCJ; cost containment

studies; care case management and utilization management studies performed for TDCJ; and concerning the establishment of criteria for hospitals, home health providers, or hospice providers, a provision requiring the managed health care plan to accept certification by the Medicare program under Title XVIII, Social Security Act (42 U.S.C. Section 1395 et seq.), and its subsequent amendments, as an alternative to accreditation by the Joint Commission on Accreditation of Healthcare Organizations.

(c) Requires CMHCC to provide expertise to TDCJ, and authorizes CMHCC to appoint subcommittees to assist TDCJ, in developing policies and procedures for implementation of the managed health care plan.

SECTION 10. Amends Section 501.147, Government Code, as follows:

Sec. 501.147. New heading: POWERS AND DUTIES OF DEPARTMENT; AUTHORITY TO CONTRACT. (a) Requires TDCJ, in cooperation with the contracting entities, to:

- (1) establish a managed health care provider network of physicians and hospitals to provide health care to persons confined by TDCJ; and
- (2) evaluate and recommend to TBCJ sites for new medical facilities that appropriately support the managed health care provider network.

(b) Creates this subsection from existing text. Authorizes TDCJ to:

- (1) communicate with the legislature regarding the financial needs of the correctional health care system;
- (2) monitor the expenditures of a contracting entity to ensure that those expenditures comply with applicable statutory and contractual requirements;
- (3) address problems found through monitoring activities, including requiring corrective action if care does not meet expectations as determined by those monitoring activities;
- (4) identify and address long-term needs of the correctional health care system;
- (5) contract with any entity to fully implement the managed health care plan under this subchapter, including contracting for health care services and the integration of those services into the managed health care provider network;
- (6) contract with an individual for financial consulting services and make use of financial monitoring of the managed health care plan to assist TDCJ in determining an accurate capitation rate; and
- (7) contract with an individual for actuarial consulting services to assist TDCJ in determining trends in the health of the inmate population and the impact of those trends on future financial needs.

Deletes existing Subsection (b) authorizing TDCJ to contract with other governmental entities for similar health care services and integrate those services into the managed health care provider network. Deletes existing Subsection (c) designation.

(c) Requires TDCJ, in contracting for the implementation of the managed health care plan, to:

(1) include provisions necessary to ensure that the contracting entity is eligible for and makes reasonable efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 256b); and

(2) to the extent possible, integrate the managed health care provider network with the medical schools and the component and affiliated hospitals of those medical schools.

Deletes existing text authorizing TDCJ to enter into a contract to fully implement the managed health care plan under this subchapter and requiring a contract entered into under this subsection to include provisions necessary to ensure that UTMB-Galveston is eligible for and makes reasonable efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 256b).

(d) Requires TDCJ, for services that a governmental entity, rather than the public medical schools and their components and affiliates, cannot provide, to initiate a competitive bidding process for contracts with other providers for medical care to persons confined by TDCJ.

Deletes existing Subsection (e) authorizing TDCJ, in cooperation with CMHCC, to contract with an individual or firm for a biennial review of, and report concerning, expenditures under the managed health care plan and requiring certain procedures in the conducting and submitting of the report.

SECTION 11. Amends Subchapter E, Chapter 501, Government Code, by adding Section 501.1471, as follows:

Sec. 501.1471. REPORT. (a) Requires TDCJ, not later than the 30th day after the end of each fiscal quarter, to submit to the Legislative Budget Board (LBB) and the governor a report that contains, for the preceding quarter:

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

(2) health care utilization and acuity data;

(3) other health care information as determined by the governor and LBB; and

(4) the amount of cost savings realized as a result of contracting for health care services under this subchapter with a provider other than TTUHSC and The University of Texas Medical Branch.

(b) Requires that a contract entered into by TDCJ for the provision of health care services require the contracting entity to provide TDCJ with necessary documentation to fulfill the requirements of this section.

SECTION 12. Amends Sections 501.148(a) and (b), Government Code, as follows:

(a) Authorizes CMHCC to develop statewide policies for the delivery of correctional health care, serve as a dispute resolution forum in the event of a disagreement relating to inmate health care services between TDCJ and the health care providers or contracting entities, and report to TBCJ at TBCJ's regularly scheduled meeting each quarter on CMHCC's policy recommendations.

Deletes existing text authorizing CMHCC to communicate with TDCJ and the legislature regarding the financial needs of the correctional health care system; monitor in

conjunction with TDCJ the expenditures of UTMB-Galveston and TTUHSC to ensure that those expenditures comply with applicable statutory and contractual requirements; serve as a dispute resolution forum in the event of a disagreement relating to inmate health care services between TDCJ and health care providers or UTMB-Galveston and TTUHSC; address problems found through monitoring activities by TDCJ and health care providers, including requiring corrective action if care does not meet expectations as determined by those monitoring activities; identify and address long-term needs of the correctional health care system; and report to TBCJ at TBCJ's regularly scheduled meeting each quarter on the committee's policy recommendations, the financial status of the correctional health care system, and corrective actions taken by or required of TDCJ or the health care providers.

(b) Requires CMHCC to advise TDCJ and TBCJ as necessary, including providing medical expertise and assisting TDCJ and TBCJ in identifying system needs and resolving contract disputes, rather than requiring CMHCC to evaluate and recommend to TBCJ sites for new medical facilities that appropriately support the managed health care provider network.

SECTION 13. Amends Sections 501.1485(a) and (b), Government Code, as follows:

(a) Requires TDCJ, in cooperation with any contracting entity that is a medical school, rather than in cooperation with UTMB-Galveston and TTUHSC, to develop and implement a training program for corrections medication aides that uses a curriculum specific to administering medication in a correctional setting.

(b) Requires TDCJ and the medical school, in developing the curriculum for the training program, to consider and modify as appropriate certain curriculum content. Makes conforming changes.

SECTION 14. Amends Subchapter E, Chapter 508, Government Code, by adding Section 508.1411, as follows:

Sec. 508.1411. NOTIFICATION OF PAROLE PANEL DECISION. (a) Requires the parole panel, for each decision of a parole panel granting or denying the release of an inmate on parole, or denying the release of an inmate on mandatory supervision, to:

(1) produce a written statement, in clear and understandable language, that explains the decision and the reasons for the decision only to the extent those reasons relate specifically to the inmate;

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

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

(b) Authorizes the parole panel, in a written statement produced under Subsection (a), to withhold information that:

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

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

(c) Requires BPP to keep a copy of each statement produced under Subsection (a) in a central location.

SECTION 15. Amends Section 508.144, Government Code, as follows:

Sec. 508.144. PAROLE GUIDELINES AND RANGE OF RECOMMENDED PAROLE APPROVAL RATES. (a) Requires BPP to:

(1)-(3) Makes no change to these subdivisions;

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

(5) Redesignates existing Subdivision (4) as Subdivision (5) and makes no further change to this subdivision.

(b) Deletes existing text requiring a BPP member or parole commissioner, if the BPP member or parole commissioner deviates from the parole guidelines in voting on a parole decisions, to produce a written statement describing in detail the specific circumstances regarding the departure from the guidelines, place a copy of the statement in the file of the inmate for whom the parole decision was made, and provide a copy of the statement to the inmate. Requires BPP to meet annually to review and discuss the parole guidelines and range of recommended parole approval rates, rather than the parole guidelines developed under Subsection (a). Requires BPP to prioritize the use of outside experts, technical assistance, and training in taking any action under Subsection (c). Requires BPP to consider:

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

(2) the extent to which the parole guidelines and range of recommended parole approval rates reflect parole panel decisions and predict successful parole outcomes.

Deletes existing text requiring BPP to consider how well the parole guidelines reflect parole panel decisions and how well parole guidelines predict successful parole outcomes.

Deletes existing Subsection (c) requiring BPP to keep a copy of a statement made under Subsection (b) in a central location.

(c) Redesignates existing Subsection (e) as Subsection (c). Authorizes BPP, based on BPP's review under Subsection (b), rather than based on BPP's review of the parole guidelines under Subsection (d), to:

(1) update the guidelines by:

(A) including new risk factors; or

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

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

(d) Redesignates existing Subsection (f) as Subsection (d). Provides that BPP is not required to hold an open meeting to review the parole guidelines and range of recommended parole approval rates as required by Subsection (b), rather than Subsection (d), but requires that any modifications or updates to the guidelines or range of recommended parole approval rates made by BPP under Subsection (c) occur in an open meeting. Makes conforming and nonsubstantive changes.

SECTION 16. Amends Section 508.1445(b), Government Code, as follows:

(b) Requires that the report include:

(1) a brief explanation of the parole guidelines, including how BPP:

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

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

(2) a comparison of the range of recommended parole approval rates under the parole guidelines to the actual approval rates for individual parole panel members, regional offices, and the state as a whole; and

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

SECTION 17. Amends the heading to Section 508.152, Government Code, to read as follows:

Sec. 508.152. INDIVIDUAL TREATMENT PLAN.

SECTION 18. Amends Section 508.152, Government Code, by amending Subsections (b) and (d) and adding Subsections (b-1) and (b-2), as follows:

(b) Requires TDCJ to:

(1) establish for the inmate an individual treatment plan, rather than a proposed program of measurable institutional progress; and

(2) submit the plan, rather than proposed program, to TBCJ at the time of TBCJ's consideration of the inmate's case for release.

(b-1) Requires TDCJ to include in an inmate's individual treatment plan:

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

(2) the results of any assessment of the inmate, including any assessment made using the risk and needs assessment instrument adopted under Section 501.0921 and any vocational, educational, or substance abuse assessment;

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

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

(b-2) Requires TDCJ, at least once in every 12-month period, to review each inmate's individual treatment plan to assess the inmate's institutional progress and revise or update the plan as necessary.

(d) Makes a conforming change.

SECTION 19. Amends Section 508.281, Government Code, by adding Subsection (e), as follows:

(e) Authorizes any hearing required to be conducted by a parole panel under this chapter to be conducted by a designated agent of BPP. Authorizes the designated agent to make recommendations to a parole panel that has responsibility for making a final determination.

SECTION 20. Amends Chapter 509, Government Code, by adding Section 509.0041, as follows:

Sec. 509.0041. USE OF RISK AND NEEDS ASSESSMENT INSTRUMENT. Requires the community justice assistance division to require each department to use the risk and needs assessment instrument adopted by TDCJ under Section 501.0921 to assess each defendant at the time of the defendant's initial placement on community supervision and at other times as required by the comprehensive reentry and reintegration plan adopted under Section 501.092.

SECTION 21. Amends Section 509.010(b), Government Code, to require the community justice assistance division, the department that the facility is to serve, or a vendor proposing to operate the facility, before the 30th day before the date of the meeting, to, among other requirements, mail a copy of the notice to each police chief, sheriff, city council member, mayor, county commissioner, county judge, school board member, state representative, and state senator who serves or represents the area in which the proposed facility is to be located, unless the proposed facility has been previously authorized to operate at a particular location as part of a community justice plan submitted by a community justice council under Section 509.007 (Community Justice Plan), rather than Section 76.003 (Community Justice Council).

SECTION 22. Amends Section 509.011(a), Government Code, to require the community justice assistance division to prepare and submit to the comptroller of public accounts of the State of Texas (comptroller) vouchers for payment to TDCJ for certain amounts if the community justice assistance division determines that a department complies with community justice assistance division standards, and if the community justice council has submitted a community justice plan under Section 509.007, rather than Section 76.003, and the supporting information required by the community justice assistance division and the plan are deemed acceptable by the community justice assistance division.

SECTION 23. Amends Chapter 509, Government Code, by adding Sections 509.013 and 509.014, as follows:

Sec. 509.013. GRANT PROGRAM ADMINISTRATION. (a) Defines "grant program" in this section.

(b) Requires the community justice assistance division to:

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

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

(3) establish the process by which and grounds on which an applicant may appeal a decision of the community justice assistance division regarding a grant application;

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

(5) establish and make available to the public:

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

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

(6) publish on the community justice assistance division's Internet website for each grant awarded:

(A) the amount awarded;

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

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

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

Sec. 509.014. STUDY REGARDING PERFORMANCE-BASED FUNDING. (a) Requires the community justice assistance division to:

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

(2) make recommendations for modifying the current funding formulas.

(b) Requires the community justice assistance division, in conducting the study and making recommendations under Subsection (a), to:

(1) seek input from departments, the judicial advisory council established under Section 493.003(b) (relating to setting forth the composition, terms, and requirements of the judicial advisory council to the community justice assistance division and TBCJ), and other relevant interest groups; and

(2) in consultation with LBB, determine the impact of any recommendations on the allocation of the community justice assistance division's funds as projected by LBB.

(c) Requires the community justice assistance division to include in the reports prepared under Sections 509.004(c) (relating to requiring the community justice assistance division to prepare a report containing certain information about the programs and services described in each community justice plan provided by a department) and 509.016(c) (relating to requiring the community justice assistance division, not later than December 1 of each even-numbered year, to provide a report containing certain information about the departments and programs funded by grants provided under this section):

(1) the findings of the study;

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

(3) the projected impact of the recommendations on the allocation of the community justice assistance division's funds.

SECTION 24. Amends Article 42.01, Code of Criminal Procedure, by adding Section 11, as follows:

Sec. 11. Provides that in addition to the information described by Section 1, the judgment should reflect whether a victim impact statement was returned to the attorney representing the state pursuant to Article 56.03(e).

SECTION 25. Amends Article 56.03(e), Code of Criminal Procedure, as follows:

(e) Requires the court, prior to the imposition of a sentence by the court in a criminal case, to, as applicable in the case, inquire as to whether a victim impact statement has been returned to the attorney representing the state and, if a victim impact statement has been returned to the attorney representing the state, consider the information provided in the statement. Requires the attorney representing the state, rather than the court, if the court sentences the defendant to a term of community supervision, to forward any victim's impact statement received in the case to the community supervision and corrections department supervising the defendant, rather than to the community supervision and corrections department supervising the defendant, along with the papers in the case. Deletes existing text requiring the court, prior to the imposition of a sentence by the court in a criminal case, to consider the information provided in the statement if it has received a victim impact statement. Makes a nonsubstantive change.

SECTION 26. Amends Article 56.04, Code of Criminal Procedure, by adding Subsection (d-1) and amending Subsection (e), as follows:

(d-1) Requires the victim services division of TDCJ, in consultation with BPP, law enforcement agencies, prosecutors' offices, and other participants in the criminal justice system, to develop recommendations to ensure that completed victim impact statements are submitted to TDCJ as provided by this chapter.

(e) Requires the attorney representing the state, on inquiry by the court, to make available a copy of a victim impact statement for consideration by the court sentencing the defendant, rather than requiring the victim assistance coordinator to send a copy of the victim impact statement to the court sentencing the defendant. Requires the court to attach the copy of the victim impact statement to the commitment papers if the court sentences the defendant to imprisonment in TDCJ.

SECTION 27. Amends Chapter 19, Education Code, by adding Section 19.0022, as follows:

Sec. 19.0022. SUNSET PROVISION. Provides that the Windham School District is subject to review under Chapter 325, Government Code, (Texas Sunset Act). Requires the district to be reviewed during the period in which TDCJ is reviewed.

SECTION 28. Amends Section 19.0041, Education Code, as follows:

Sec. 19.0041. New heading: PROGRAM DATA COLLECTION AND BIENNIAL EVALUATION AND REPORT. (a) Requires the Windham School District, to evaluate the effectiveness of its programs, to compile and analyze information for each of its programs, including performance-based information and data related to academic, vocational training, and life skills programs, rather than requiring the Windham School District to consult with LBB to compile and analyze information for each person who receives the training services in order to evaluate the effectiveness of training services provided to persons confined or imprisoned in TDCJ. Requires that this information include for each person who participates in district programs an evaluation of, among other information, institutional disciplinary violations, subsequent arrests, subsequent convictions or confinements, the cost of confinement, educational achievement, and high school equivalency examination passage.

(b) Requires the Windham School District to use the information compiled and analyzed under Subsection (a) to biennially:

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

(2) submit a report to TBCJ, the legislature, and the governor's office.

Deletes existing text requiring LBB to submit an annual report to the legislature and the governor's office based on data compiled and analyzed under Subsection (a).

(c) Authorizes the Windham School District to enter into a memorandum of understanding with TDCJ, the Department of Public Safety of the State of Texas, and the Texas Workforce Commission to obtain and share data necessary to evaluate district programs.

SECTION 29. Repealer: Section 493.009(i) (relating to requiring TDCJ to make quarterly reports to the Legislative Criminal Justice Board that show the ratio of persons in beds reserved who have been required to participate in certain programs, to persons in those beds who have been sent to the facilities by other methods), Government Code.

Repealer: Section 501.100 (Recidivism Study; Report), Government Code.

Repealer: Sections 501.148(c) (relating to authorizing CMHCC to contract with an individual for financial consulting services and to make use of financial monitoring of the managed health care plan to assist CMHCC in determining an accurate capitation rate) and (d) (relating to authorizing CMHCC to contract with an individual for actuarial consulting services to assist CMHCC in determining trends in the health of the inmate population and the impact of those trends on future financial needs), Government Code.

SECTION 30. Requires each facility under the oversight of the correctional institutions division of TDCJ, not later than October 1, 2013, to establish a case management committee as required by Section 493.031, Government Code, as added by this Act.

SECTION 31. Requires that not later than January 1, 2014:

(1) TDCJ adopt the comprehensive reentry and reintegration plan required by Section 501.092, Government Code, as amended by this Act; and

(2) the executive director of TDCJ appoint representatives to serve on the reentry task force as required by Section 501.098, Government Code, as amended by this Act.

SECTION 32. Requires TDCJ, not later than September 1, 2016, to submit the first report required by Section 501.092(i), Government Code, as added by this Act.

SECTION 33. (a) Requires the governor, not later than January 31, 2014, to appoint to CMHCC one member from each of the first two medical schools, so as to comply with the membership requirements of Section 501.133(a)(4), Government Code, as amended by this Act, based on an alphabetical listing of the names of the medical schools.

(b) Requires the governor, not later than January 31, 2014, to appoint to CMHCC two members who are licensed mental health professionals, so as to comply with the membership requirements of Section 501.133(a)(5), Government Code, as added by this Act.

(c) Provides that notwithstanding the terms of the members as provided by Sections 501.136(a) and (b), Government Code, as added by this Act, the terms of the members appointed under this section expire February 1, 2017.

SECTION 34. Requires TDCJ, not later than the 30th day after the end of the first quarter of fiscal year 2014, to submit the first report required by Section 501.1471, Government Code, as added by this Act.

SECTION 35. Makes application of Section 508.1411, Government Code, as added by this Act, prospective to November 1, 2013.

SECTION 36. Requires BPP, not later than January 1, 2014, to establish the range of recommended parole approval rates required by Section 508.144(a), Government Code, as amended by this Act.

SECTION 37. Requires the community justice assistance division of TDCJ, not later than January 1, 2014, to adopt forms, establish procedures, and take other actions necessary to comply with the requirements of Section 509.013, Government Code, as added by this Act.

SECTION 38. Requires the community justice assistance division of TDCJ, not later than January 1, 2017, to include in the reports submitted under Section 509.004(c) and Section 509.016(c), Government Code, the findings, recommendations, and projected impact of recommendations from the first study conducted under Section 509.014, Government Code, as added by this Act.

SECTION 39. Requires the victim services division of TDCJ, before January 1, 2014, to develop the recommendations required by Article 56.04(d-1), Code of Criminal Procedure, as added by this Act.

SECTION 40. Effective date: September 1, 2013.