

## **BILL ANALYSIS**

C.S.H.B. 1041  
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Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that there is little review of instances in which a person released on parole or to mandatory supervision housed in a facility operated under contract with the Texas Department of Criminal Justice (TDCJ) absconds from supervision. C.S.H.B. 1041 seeks to address this issue by requiring TDCJ to review these instances and report the results to certain state leaders.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1041 requires the Texas Department of Criminal Justice (TDCJ) to review instances in which a person released on parole or to mandatory supervision has absconded from supervision while being housed in a facility operated under contract with TDCJ and located in a county that has a population of 800,000 or more and is located on the international border. The bill requires TDCJ to analyze the factors that contribute to such releasees absconding, including to what extent a rate of absconsion from a particular facility that exceeds the statewide average for all facilities is attributable to the types of releasees residing in the facility or to issues related to the facility's staff. The bill requires TDCJ to make recommendations regarding the following: improvements to the procedures used by TDCJ to assess whether a releasee is likely to abscond from supervision and to identify the appropriate residence for a releasee; and legislative changes to TDCJ's contracting powers, including any provisions to determine the most suitable private vendors with which to contract for the housing, supervision, and programmatic support of releasees and to establish minimum requirements for the staffing of any facility housing releasees under a contract with TDCJ. The bill requires TDCJ, not later than December 1, 2018, to report the results of the review and analysis and to make recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over TDCJ. The bill requires the Board of Pardons and Paroles, on request of TDCJ, to provide information to TDCJ or otherwise assist TDCJ in conducting the review and preparing the required report. The bill's provisions expire June 1, 2019.

### **EFFECTIVE DATE**

September 1, 2017.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1041 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. DEFINITIONS. In this Act:

- (1) "Department" means the Texas Department of Criminal Justice.
- (2) "Releasee" means a person released on parole or to mandatory supervision.

SECTION 2. REVIEW OF RESIDENTIAL FACILITIES. The department shall review instances in which a releasee housed in a facility operated under contract with the department has absconded from supervision, with a particular emphasis on facilities in which the rate of absconion exceeds the statewide average for all facilities.

The department shall analyze the factors that contribute to releasees absconding, include to what extent a higher rate of absconion from a particular facility is attributable to the types of releasees residing in the facility or to issues related to the staff of the facility, and make recommendations regarding:

- (1) improvements to the procedures used by the department to:
  - (A) assess whether a releasee is likely to abscond from supervision; and
  - (B) identify the appropriate residence for a releasee; and
- (2) legislative changes to the department's contracting powers, including any provisions to:
  - (A) determine the most suitable private vendors with which to contract for the housing, supervision, and programmatic support of releasees; and
  - (B) establish minimum requirements for the staffing of a facility housing releasees under a contract with the department.

SECTION 3. REPORT. Not later than

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. REVIEW OF RESIDENTIAL FACILITIES. (a) The department shall review instances in which a releasee has absconded from supervision while being housed in a facility that is:

- (1) operated under contract with the department; and
- (2) located in a county that has a population of 800,000 or more and is located on the international border.

(b) The department shall analyze the factors that contribute to releasees absconding, including to what extent a rate of absconion from a particular facility that exceeds the statewide average for all facilities is attributable to the types of releasees residing in the facility or to issues related to the staff of the facility.

(c) The department shall make recommendations regarding:

- (1) improvements to the procedures used by the department to:
  - (A) assess whether a releasee is likely to abscond from supervision; and
  - (B) identify the appropriate residence for a releasee; and
- (2) legislative changes to the department's contracting powers, including any provisions to:
  - (A) determine the most suitable private vendors with which to contract for the housing, supervision, and programmatic support of releasees; and
  - (B) establish minimum requirements for the staffing of any facility housing releasees under a contract with the department.

SECTION 3. Same as introduced version.

December 1, 2018, the department shall report the results of the review and analysis required by Section 2 of this Act and make recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over the department.

SECTION 4. ASSISTANCE BY BOARD OF PARDONS AND PAROLES. On request of the department, the Board of Pardons and Paroles shall provide information to the department or otherwise assist the department in conducting the review and preparing the report required by this Act.

SECTION 5. EXPIRATION. This Act expires June 1, 2019.

SECTION 6. EFFECTIVE DATE. This Act takes effect September 1, 2017.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.