

BILL ANALYSIS

S.B. 1584
By: Garcia
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the use of probation as an alternative to incarceration is most effective when conditions of community supervision are based on individualized risk and needs assessments and when probation departments are properly resourced to provide tools that address the root causes of criminal behavior. S.B. 1584 seeks to ensure probation is as effective as possible by requiring conditions of community supervision to reflect these personalized assessments and to address the factors that lead to criminal involvement.

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

S.B. 1584 amends the Code of Criminal Procedure to condition a judge's authority to determine basic conditions of community supervision for a defendant on the judge's consideration of the results of a risk and needs assessment conducted with respect to the defendant. The bill requires the assessment to be conducted using an instrument that is validated for the purpose of assessing the risks and needs of a defendant placed on community supervision. The bill prohibits a community supervision condition imposed by the judge from being duplicative of another condition. The bill requires the judge, in determining the conditions, to consider the extent to which the conditions impact the defendant's work, education, and community service schedule or obligations and the defendant's ability to meet financial obligations. The bill requires the judge, before the judge may require as a condition of community supervision that the defendant receive treatment in a state-funded substance abuse treatment program, to consider the results of an evaluation conducted to determine the appropriate type and level of treatment necessary to address the defendant's alcohol or drug dependency. The bill applies to a defendant placed on community supervision on or after the bill's effective date, regardless of whether the offense for which the defendant was placed on community supervision was committed before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2017.