

## **BILL ANALYSIS**

C.S.H.B. 1653  
By: White  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In response to concerns regarding higher rates of recidivism for defendants released from incarceration compared to those placed on community supervision, there have been calls to invest in additional methods to prevent the incarceration of defendants when possible. Pretrial diversion programs have been suggested as an effective rehabilitative option for defendants and may help in reducing rates of recidivism. C.S.H.B. 1653 seeks to promote these objectives by providing funding for community supervision and corrections departments that operate pretrial diversion programs and by establishing a pretrial diversion information management system to help identify eligible defendants for these programs and monitor compliance with release conditions.

### **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 rulemaking authority is expressly granted to the Texas Board of Criminal Justice in SECTION 15 of this bill.

### **ANALYSIS**

C.S.H.B. 1653 amends the Government Code to require the community justice assistance division of the Texas Department of Criminal Justice (TDCJ) to establish and operate an information management system to be used by community supervision and corrections departments (CSCD), municipalities, and counties that receive funds under applicable state law for pretrial diversion programs. The bill requires the system to assist CSCDs, municipalities, and counties with the following objectives:

- identifying defendants who are eligible for pretrial diversion programs;
- collecting and accessing information relating to the defendants;
- selecting appropriate release conditions for the defendants;
- monitoring the defendants' compliance with release conditions; and
- performing other functions related to defendants participating in pretrial diversion programs.

C.S.H.B. 1653 requires the division to require each CSCD, municipality, and county that receives funds under applicable state law for a pretrial diversion program to report, in the manner prescribed by the division, information requested by the division that relates to:

- the development or operation of the pretrial diversion program for which the recipient

receives funds; or

- a defendant participating in such a pretrial diversion program.

C.S.H.B. 1653 includes rules that establish minimum standards for the operation of pretrial diversion programs funded through the division among the rules proposed and adopted, respectively, by the division and the Texas Board of Criminal Justice (TBCJ). The bill, for purposes of the computation of state aid to an eligible CSCD for the direct supervision of each felony defendant, includes in that computation, for the per capita funding component:

- a per diem amount for each felony defendant participating in a pretrial diversion program who is directly supervised by the CSCD; and
- a per diem amount for a period not to exceed 182 days for each defendant participating in a pretrial diversion program who is supervised by the CSCD, other than a felony defendant participating in a pretrial intervention program for whom a CSCD already qualifies for such state aid.

C.S.H.B. 1653 includes developing and operating pretrial diversion programs that meet the minimum standards described by the bill among the purposes for which the division may make discretionary grants to CSCDs, municipalities, or counties. The bill specifies that the equal weight assigned to the percentage of all felony defendants in Texas who are directly supervised by the CSCD, for purposes of the division's annual computation for each CSCD for community corrections program formula funding, applies to all felony defendants in the state participating in pretrial diversion supervision.

C.S.H.B. 1653 requires the division, in awarding a grant for the development or operation of a pretrial diversion program, to give priority to programs that:

- establish pretrial diversion programs for state jail felony defendants;
- place eligible defendants into pretrial diversion programs as soon as practicable after each defendant's arrest; or
- seek to ensure that defendants successfully satisfy the requirements of the program in a timely and efficient manner.

C.S.H.B. 1653 requires TBCJ to adopt rules establishing minimum standards for the operation of a pretrial diversion program funded by the division.

C.S.H.B. 1653 amends the Code of Criminal Procedure and the Local Government Code to make conforming changes.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1653 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision requiring TDCJ to establish a reentry and reintegration grant program to defendants released from state jail felony facilities.

The substitute does not include the following:

- a provision that removes the 182-day limitation on per diem amounts, for purposes of

state aid, with respect to CSCD-supervised defendants punished for certain specified misdemeanor offenses; and

- a provision authorizing the division to provide to a CSCD, municipality, or county operating a pretrial intervention program per capita funding for participating felony defendants.

The substitute includes the following, for purposes of state aid for CSCDs:

- a provision requiring per diem amounts for felony defendants directly supervised by CSCDs participating in pretrial diversion programs; and
- a provision requiring per diem amounts, for a period not to exceed 182 days, for defendants supervised by CSCDs participating in pretrial diversion programs.

The substitute changes the provision that requires the division to prioritize grants for the development or operation of a pretrial diversion program by expanding those prioritized recipients from CSCDs to any applicable entity operating a pretrial diversion program. The substitute does include the provision requiring TBCJ to adopt any rules necessary to implement provisions relating to priority in awarding grants.

The substitute includes a requirement for the division to establish and operate an information management system to be used by CSCDs, municipalities, and counties that receive funds for pretrial diversion programs.