

**SUBJECT:** Revising substance abuse programs for offenders

**COMMITTEE:** Corrections — committee substitute recommended

**VOTE:** 6 ayes — Hightower, Allen, Edwards, Gray, Marchant, Serna  
0 nays  
3 absent — Alexander, Farrar, Hupp

**WITNESSES:** For — None  
Against — None  
On — Susan Cranford and Bryan Wilson, Texas Department of Criminal Justice, Community Justice Assistance Division

**BACKGROUND :** In 1995 the Legislature transferred administration of the Treatment Alternative to Incarceration Program (TAIP) from the Texas Commission on Alcohol and Drug Abuse (TCADA) to the Texas Department of Criminal Justice (TDCJ). The program is designed to identify and treat in local community treatment facilities, instead of incarcerate, some offenders with substance abuse problems. Certain offenders arrested for offenses other than Class C misdemeanors whose offense involved alcohol or drugs are screened and assessed and then can be referred for the program.

**DIGEST:** CSHB 3244 would move the statutes concerning the Treatment Alternative to Incarceration Program from the Code of Criminal Procedure to the Government Code sections dealing with local community supervision and corrections departments. The bill would replace current requirements that offenders be *assessed* with requirements that they be *evaluated*. TDCJ's Community Justice Assistance Division would be required to develop a screening and evaluation procedure to use for the TAIP.

CSHB 3244 would eliminate a Government Code requirement that TDCJ provide for at least 5,200 treatment beds required for probationers with substance abuse problems.

TDCJ's institutional division would be able to require inmates to attend a substance abuse treatment program, instead of the current provision that the division make the programs available to inmates it considers appropriate and eligible. TDCJ would be required to adopt a procedure to determine which inmates could be required to participate in the programs.

CSHB 3244 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

**SUPPORTERS  
SAY:**

CSHB 3244 would move the statute governing the TAIP to a more appropriate place in the Government Code governing local community supervision and corrections departments. The bill would replace references to *assessments* of offenders — diagnoses of chemical dependency status and the needed level of treatment — with *evaluations* — a review of chemical dependency and how a person's criminality influences treatment. This would ensure that criminal justice issues are examined during the procedure and allow the procedure to be performed by community supervision officers. These officers generally do not hold the necessary licenses from TCADA to do the more intensive assessments but are capable of doing more limited evaluations. The bill would require that criminal justice agencies and TCADA work together to develop a screening instrument that could be used for these evaluations.

CSHB 3244 would remove the current requirement that TDCJ provide at least 5,200 treatment beds for probationers with substance abuse problems. This would allow the number of beds to be set by the appropriations bill, as it has been done in past years. For example, in 1995 the Legislature funded 4,500 beds although the statute required 5,200 beds. This decision would be more appropriately handled through the appropriations process.

While TDCJ exercises requires prison inmates to participate in substance abuse treatment programs, HB 3244 would make this authority clear. In some cases, persons ordered to treatment respond well, even though they did not originally want to enter the program.

**OPPONENTS SAY:** Authorizing TDCJ to require persons to participate in substance abuse treatment programs may be inappropriate. If a person is not willing to participate, it is doubtful that treatment would be useful or cost effective.

**NOTES:** The committee substitute added provisions that would give TDCJ authority to require inmates to participate in treatment programs, require TDCJ to determine which inmates can be required to participate in the program and require TDCJ's community justice assistance division to develop a screening and evaluation procedure for the TAIP.