

SUBJECT: Continuing TDCJ, inmate health care board, parole board duties

COMMITTEE: Corrections — committee substitute recommended

VOTE: 4 ayes — Madden, Hochberg, McReynolds, Oliveira
0 nays
3 absent — Jones, Haggerty, Dunnam

SENATE VOTE: On final passage, April 26 — 31-0, on Local and Uncontested Calendar

WITNESSES: (For — *Registered, but did not testify*: Dee Simpson, American Federation of State, County, and Municipal Employees/Council 7)

Against — None

On — Brad Livingston, Texas Department of Criminal Justice; Rissie Owens, Texas Board of Pardons and Paroles; Allen Sapp, Correctional Managed Health Care Committee

BACKGROUND: **Texas Department of Criminal Justice.** The Texas Department of Criminal Justice (TDCJ) operates the state's adult correctional system. The agency is responsible for confining offenders sentenced to a state prison or a state jail, aiding them in their reintegration into society, supervising offenders released on parole and mandatory supervision, and supporting local probation departments. As of March 2007, TDCJ had an operational capacity of 152,703 beds, which included about 1,916 beds under contract from counties. The agency has about 38,000 employees, of which about 60 percent are correctional officers. Its estimated general revenue-related appropriation for fiscal 2006-07 is \$7.3 billion, of which about 80 percent is used to incarcerate offenders.

The nine-member Texas Board of Criminal Justice governs TDCJ. The governor appoints the members to staggered, six-year terms and appoints the chair of the board. Board members all represent the general public and must represent different areas of the state. The board also serves as the

board of trustees for the Windham School District, which provides educational and vocational training programs within TDCJ.

The Texas Board of Criminal Justice and the Texas Department of Criminal Justice will be abolished September 1, 2007, unless continued by the Legislature.

Correctional Managed Health Care Committee (CMHCC). In 1993 the 73rd Legislature created the Correctional Managed Health Care Committee and charged it with developing a managed health care system for prison inmates. TDCJ contracts through the committee with the University of Texas Medical Branch at Galveston (UTMB) and the Texas Tech University Health Sciences Center (TTUHSC) to provide the statewide managed care network. UTMB's contract covers about 121,000 of the state's approximately 150,000 inmates, and TTUHSC's contract covers the rest.

Board of Pardons and Paroles. Texas Constitution, Art. 4, sec. 11 requires the Legislature to establish a Board of Pardons and Paroles (BPP). Government Code, sec. 508 establishes a seven-member board appointed by the governor with the advice and consent of the Senate. Members are full-time and salaried and serve six-year terms, with the governor designating the board chair as the presiding officer.

The board shares responsibility for the parole system with the parole division of TDCJ. The board, along with 12 parole commissioners whom it hires, usually work in panels of three to determine which inmates are released on parole and the conditions of parole and mandatory supervision. The board also makes decisions about revoking parole and mandatory supervision. TDCJ's parole division supervises parolees after they have been released.

Government Code sec. 508.144 requires the Board of Pardons and Paroles to adopt parole guidelines to be the basic criteria for making parole decisions. The board also is required to implement the guidelines and review them periodically. Board members or parole commissioners who deviate from the guidelines must make a brief written statement describing the circumstances of the departure and place a copy of the statement in the inmate's file.

Because the BPP is established in the Constitution, it cannot be abolished by statute but only by a constitutional amendment.

DIGEST:

CSSB 909 would continue the Texas Department of Criminal Justice until September 1, 2011, and make several changes to the laws governing the agency, including:

- creating a Criminal Justice Legislative Oversight Committee;
- requiring the identification of offenders for potential early termination of probation;
- revising the formula for state funding for basic probation for felons;
- authorizing the release of state jail felons for medical reasons;
- setting requirements for TDCJ's payment of overtime; and
- requiring agency meetings with employee groups.

The bill would remove the Sunset date for the Correctional Managed Health Care Committee, but would continue it and require that it be reviewed during any review of the Texas Department of Criminal Justice. TDCJ's role in monitoring health care would be revised, and the committee would be required make certain health care information available to inmates.

The Board of Pardons and Paroles would be required to review, update, and report on the parole guidelines and to institute a process formally to identify and make recommendations about releasing some offenders early from parole supervision.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

Criminal Justice Legislative Oversight Committee. CSSB 109 would establish the Criminal Justice Legislative Oversight Committee to provide objective research, analysis, and recommendations to help guide state criminal justice policies.

The committee would have six members: the chairs of the Senate Criminal Justice Committee and the House Corrections Committee and two members of the Senate appointed by the lieutenant governor and two members of the House appointed by the speaker of the House. These appointments would be made by January 1, 2008. The presiding officer

would be designated alternately by the lieutenant governor and the speaker, with the speaker appointing the first chair by January 15, 2008.

The committee would analyze and examine the criminal justice system, including its cost-effectiveness, critical problems, and long-range needs. It would advise and assist the Legislature and recommend policy priorities and strategies to solve problems and address long-range needs. The committee could hire staff and contract with universities or other entities to carry out its duties and would have to report to the Legislature by January 1 of odd-numbered years.

Early termination of probation. Probation departments would be required to identify probationers who had served one-half or two years of their terms, whichever was more. The departments would determine whether these probationers had satisfactorily fulfilled the terms of their probation and make a recommendation to the judge on whether the court should reduce or terminate the probation. Probation departments could not recommend a reduction or termination if the probationers were delinquent in paying restitution, fines, costs, or fees that they had the ability to pay, or if defendants had not completed court-ordered counseling or treatment.

Judges would be required to review these probationers' records and consider whether to reduce or terminate probation. Judges who determined that a defendant had failed to fulfill the conditions of probation would tell the defendant in writing what would be necessary to fulfill the conditions.

The current prohibition against early termination for state jail felons would be eliminated so that these defendants could have their probations terminated or reduced before the end of their terms. The bill would make "3g" defendants ineligible for early termination and would continue the prohibition against early termination for offenders subject to the state's sex offender registration laws and those convicted of certain intoxication offenses.

This would apply to defendants placed on probation on or after the bill's effective date.

New funding formula for basic probation. CSSB 909 would alter the computations for determining state basic supervision funding for felony defendants supervised by local probation departments.

Instead of having the per capita funding for felons based on those directly supervised by local probation departments, it would be based on each felony defendant placed on probation and on each felony defendant participating in pre-trial programs. The Community Justice Assistance Division (CJAD) of TDCJ would be required annually to establish a per capita funding formula that would include:

- higher per capita rates for felony probationers who were serving the early years of their probation terms than those who were serving the end of their terms;
- penalties in per capita funding for each felony probationer whose probation was revoked due to a technical violation of probation; and
- awards in per capita funding for each felony defendant who was discharged due to an early termination of probation.

TDCJ would be authorized to adopt a policy limiting the percentage of benefit or loss that a local department could realize under the new formula.

The funding formula would have to be established by January 1, 2008, and used beginning September 1, 2008.

Medically Recognized Intensive Supervision (MRIS) for state jail felons. CSSB 909 would authorize judges to release from state jails certain state jail felons under the MRIS program to a medically suitable placement. This would be allowed if the judge found the defendant did not constitute a threat to public safety and:

- the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) and the Correctional Managed Health Care Committee prepared a case summary and medical report that identified the state jail offender as elderly, physically disabled, mentally ill, terminally ill, or mentally retarded, or as having a condition requiring long-term care; and
- TCOOMMI, with the local probation department, prepared a medically recommended intensive supervision and continuity of care plan that ensured appropriate supervision of the offender by the probation department and required the offender to remain under a physician's care in a medically suitable placement.

TCOOMMI also would have to give the judge a quarterly status report on the offenders. If a defendant released under these conditions violated a term of the release, the judge would be authorized to impose sanctions on the defendant or to revoke the release.

Payment for overtime. TDCJ would have to pay employees for overtime in the pay period in which the overtime was earned.

Agency-employee meetings. The director of TDCJ would be required to meet regularly with representatives of certain employee organizations to review certain policies and issues and report to the newly created Criminal Justice Legislative Oversight Committee on the outcome of the meetings. The meetings would be to identify TDCJ policies that impaired the operation of department facilities and issues that could lead to unnecessary conflict between TDCJ and employees and undermine the retention and recruitment of employees. The employee organizations would have to be eligible under current law for payroll deductions and would represent employees in disciplinary or grievance matters.

Dynamic risk assessment of sex offenders. TDCJ would be required to use a dynamic risk assessment tool developed by the state Council on Sex Offender Treatment to assign a risk level to sex offenders being discharged after completing their sentences or being released on parole or mandatory supervision. This would be in addition to other risk assessments done by TDCJ. The Council on Sex Offender Treatment would have to develop or adopt the risk assessment tool that assigned a person a risk level of low, medium, or high. This tool would be used to assess anyone released from TDCJ, parole, or mandatory supervision on or after the bill's effective date.

Miscellaneous. CSSB 909 would make numerous other additions to the laws governing TDCJ, including:

- requiring TDCJ to study different types of electronic monitoring and submit a report on the findings to the governor, the lieutenant governor, the speaker of the House, and legislative committees by December 1, 2009;
- increasing the cap from 500 to 700 on the number of TDCJ inmates who could work for private businesses under the federal Private Sector/Prison Industries Enhancement Certification program in

- non-service jobs and requiring businesses in the program with service jobs to pay at least the federal minimum wage;
- requiring TDCJ to identify, screen, and provide intervention and information to female inmates with terms of less than two years who were at risk of having a pregnancy with alcohol-related complications. The screening program would have to be developed by March 1, 2008, and screening begun by September 1, 2008;
 - prohibiting TDCJ from exempting agency employees from licensing requirements required of sex offender treatment providers;
 - establishing requirements that judges would have to follow when hiring a director of a local community supervision and corrections department, including conducting a competitive hiring process;
 - requiring counties to include a copy of the Texas Uniform Health Status Update in the information delivered for each offender who entered TDCJ;
 - adding standard Sunset language on the use of technology and the development of a policies on negotiated rulemaking and alternative dispute resolution; and
 - requiring TDCJ to comply with and implement management action recommendations adopted by the Sunset Advisory Commission on January 10, 2007.

CORRECTIONAL MANAGED HEALTH CARE

CSSB 909 would continue the Correctional Managed Health Care Committee, but would remove its individual Sunset date and require that its role and responsibilities be reviewed under the Sunset Act during any review of the Texas Department of Criminal Justice.

The bill would revise TDCJ's role in monitoring health care by removing a limit on the department's monitoring activities and requiring them to monitor the quality of care delivered by providers.

TDCJ would have to ensure that certain types of information about health care and about the process for filing inmate grievances concerning health care services were available to all inmates. This would have to be done by March 1, 2008.

The bill would make other changes concerning correctional managed health care, including:

- revising the statutory requirements of the CMHCC to delete a requirement that it determine a capitation rate reflecting the cost of the health care and including requirements to develop statewide policies for the delivery of correctional health care, monitor expenditures of the University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center, and identify and address long-term needs of the correctional health care system and;
- requiring that the chair of the CMHCC be a public physician member instead of any physician;
- requiring the CMHCC and the universities to comply with and implement the management action recommendations adopted by the Sunset Advisory Committee on January 10, 2007; and
- adding and updating standard Sunset language about complaints, alternative dispute resolution, use of technology, and the provision of information to the public.

PAROLE

CSSB 909 would institute new requirements concerning parole guidelines and require a formal process to identify parolees who could have their parole terminated early.

Parole guidelines. CSSB 109 would require the Board of Pardons and Paroles to meet annually to review and discuss its parole guidelines. The board would have to consult outside experts and would consider how the parole guidelines serve the needs of parole decision-making, how well the guidelines reflected parole panel decisions, and how well the guidelines predicted successful outcomes.

Based on the review, the BPP could update the guidelines. The BPP would not have to hold an open meeting to review the guidelines, but modifications or updates would have to occur in an open meeting. Parole guidelines would have to require consideration of inmates' progress in programs in which the inmates participated during their prison terms. The first review would have to be done by September 1, 2008.

The BPP annually would have to submit a report to the newly created Criminal Justice Legislative Oversight Committee and legislative leaders on its application of the parole guidelines. The report would have to include an explanation of the guidelines, as well as a comparison of the recommended approval rates to the actual approval rates for individual parole panel members, regional offices, and the state. It also would include a description of instances when the rates did not meet the recommended approval rates under the guidelines, an explanation of the variation, and a list of actions the BPP would take to meet the guidelines. The first report would have to be submitted by December 1, 2008.

The bill would revise what would have to be done when a parole board member or a parole commissioner deviated from the parole guidelines. Instead of producing a brief written statement describing the circumstances of the departure, they would have to produce a written statement describing in detail the specific circumstances of the departure. CSSB 909 would impose a new requirement that the statement be provided to the inmate. This would apply to parole decisions made on or after the bill's effective date.

Early release from parole supervision. CSSB 909 would require TDCJ to establish a system for identifying and recommending persons on parole and mandatory supervision for early release from supervision.

The bill would add to the current criteria that allow early release from supervision for certain parolees and those under mandatory supervision. Under the new requirement, the releasees could not have not committed any violation of the conditions of release during the previous two years. This would be in addition to the current requirements that they must be under supervision for at least half the time that remained on their sentence when they were released from prison, that their parole or mandatory supervision had not been revoked during that time, that the parole division determined that the parolee had made a good-faith effort to comply with any restitution order, and that releasing the parolee from supervision would be in the best interest of society.

Annually, parole officers would have to identify releasees under their supervision who would be eligible and review them to determine whether early release from parole would be appropriate. The officer would have to consider whether the releasee had a low risk of recidivism as determined

by an assessment and whether the releasee had made a good faith effort to comply with the conditions of release.

Parole officers would forward their recommendations to the regional level of management. If the regional parole supervisor approved the recommendation, the parole division would be required to allow the releasee to serve the remainder of the sentence without supervision.

These provisions would apply to anyone released on parole on or after the bill's effective date. Parole officers would have to complete their first annual identification of eligible releasees by September 1, 2008.

TDCJ could not prohibit parole panels from requiring inmates to complete treatment programs before being released on parole. TDCJ also would not be able to request that parole panels refrain from these requirements.

Miscellaneous. CSSB 909 would make other changes to the laws governing the BPP, including:

- requiring TDCJ to adopt within 30 days of the bill's effective date a salary career ladder for parole officers with positions for parole officers 1 through 5;
- requiring the BPP to adopt a policy allowing the nearest relative of a deceased victim to represent a deceased victim during parole reviews if other representatives were deceased or incapacitated;
- expanding standard conflict-of-interest provisions and restriction on previous employment to parole commissioners hired on or after the bill's effective date;
- requiring the Board of Pardons and Parole to submit a legislative appropriations request that was separate from TDCJ's request;
- prohibiting a current or former employee of TDCJ from serving as a parole commissioner within two years of the date their TDCJ employment ended;
- adding and updating standard Sunset language concerning the use of technology, records of complaints, policies on negotiated rulemaking and alternative dispute resolution; and
- adding standard Sunset language requiring the board to have policies allowing the public to speak before the board, with the exception of the cases of individual parole determinations or clemency recommendations.

SUPPORTERS
SAY:

TDCJ should be continued for another 12 years because no other entity could perform the agency's jobs of confining offenders, managing parolees, and assisting local probation departments, and the state has an ongoing need to perform these tasks. However, CSSB 909 would have TDCJ reviewed again in 2011 due to growth in the offender population, the significant changes being instituted in the criminal justice system, and the large increase in resources dedicated to treatment and rehabilitation.

Criminal Justice Legislative Oversight Committee. CSSB 909 would fill a current gap in the information available to legislators by creating a legislative oversight committee that could provide independent, objective information and analysis. Since the abolishment of the Criminal Justice Policy Council in 2003, no entity has filled its role in providing comprehensive and ongoing analysis of the system for the Legislature. The creation of the committee is warranted, given the expansiveness of the criminal justice system and the significant challenges it faces with prisons and many jails operating at capacity. Legislative oversight committees are used in other areas to help policymakers monitor other statewide systems.

While the LBB's analysis team provides some statistics and information to the Legislature, it does not provide analysis of the system as a whole or make recommendations. Individual agencies are not equipped to evaluate effectively the whole system, and legislative committees do not have the staff, resources, or expertise to provide consistent, comprehensive evaluations. The Texas Criminal Justice Statistical Analysis Center recently established by the governor is housed within the Office of the Governor and not an appropriate entity to provide objective analysis and recommendations.

Early termination of probation. CSSB 909 would ensure that judges took a critical look at most probationers and gave judges a formal opportunity to release from probation those defendants who were doing a good job. The bill would not mandate that a judge terminate probation in any case or institute a bias toward early release because all decisions would remain within the full discretion of a judge. Judges would be required to tell defendants why probation was not being terminated so that defendants understood what they had done wrong and what they needed to do for the remainder of their terms. This would help prevent unreasonable standards for some defendants.

New funding formula for probation. CSSB 909 would adjust the computation used to send money to local probation departments so that it encouraged more intensive supervision in the early years of probation terms when most re-offending occurs, to discourage probation departments from keeping offenders on probation longer than necessary, and to discourage revocations of probation for technical violations of probation terms. The current formula for determining state funding provides an incentive to keep felony offenders on probation longer than they may need to be because funding and offender-paid fees continue as long as they are on supervision. Decisions about revocations and early terminations still would be made solely by judges who were accountable to voters and who would not be influenced by the funding formula to make decisions that jeopardized public safety.

MRIS for state jail felons. Because current law does not specifically allow state jail offenders to be released on medically recommended intensive supervision, judges often are reluctant to release them early for medical reasons. The state created the MRIS program so that chronically ill and incapacitated inmates could be identified and considered for release from correctional facilities under supervision as long as public safety was not compromised. There is no reason to deny this option for state jail offenders when in some cases medical release would be warranted and release would save the state the costs of extraordinary medical care. State jail felons are not eligible for parole, so the bill would place the authorization for MRIS for these offenders in another statute and give judges the authority to release them because the parole board does not consider these cases.

Payment for overtime. Requiring TDCJ to pay employees for their overtime in the period in which it was earned would codify current agency policy. In January 2007, when the agency had 3,250 vacant correctional officer positions, it modified its overtime policies and began paying officers for their overtime in the next pay period instead of requiring them to bank 240 hours of overtime before receiving any payments. This policy could help retain correctional officers and is so important to employee retention and morale that it should be established in law so that it could not easily be changed.

Management-employee meetings. CSSB 909 would require TDCJ to meet regularly with certain employee groups and to report on those meetings to ensure that these essential contacts with employees occurred.

Although TDCJ may hold some meetings now, CSSB would formalize this contact and require a report on it so that the newly created Legislative Oversight Committee would know about these efforts. This would create a formal feedback loop for the discussions about employee retention, a crucial issue facing the department. It would ensure that employees had an opportunity to raise issues outside of legislative sessions.

Correctional managed health care. CSSB 909 would update the CMHCC's duties to better reflect its purpose in making decisions about the delivery of health care and would improve monitoring of inmate health care by removing a current restriction on TDCJ's monitoring efforts. TDCJ needs to have more authority to monitor the healthcare system provided by the universities so that it can identify and address individual and systemic problems.

Parole guidelines. CSSB 909 would require the BPP to report and explain its efforts to meet parole guidelines so the Legislature could have more information about the board's continued deviation from the guidelines. The guidelines, required by current law, are the best tool for deciding the most appropriate offenders to release, and focusing more attention on them could help the Legislature and the board determine if the process was adequately objective, consistent, flexible, and accountable. It should result in more uniform and fair parole decisions, increase the board's accountability to the Legislature, and enhance public confidence in the process. Requiring the updating of the guidelines annually would ensure that the guidelines best served the needs of the parole process.

Requiring parole decision makers to provide reasons for their departures from the guidelines would help increase transparency and confidence in the process. This requirement would not infringe on the parole panel's discretion to make appropriate parole decisions because they would not be required to adhere to the guidelines and there would not be a penalty for failing to meet the guidelines.

Early release from parole supervision. CSSB 909 would institute a formal system for parolees to be identified and assessed for early release from parole because TDCJ does not use its current authority in this area. Keeping low-risk offenders on supervision fails to reward good behavior and diverts resources from high-risk offenders who may warrant closer supervision. By facilitating the early release of some offenders, CSSB 909 would provide incentives for parolees to meet their parole conditions,

reduce parole supervision caseloads, and enhance public safety by allowing parole officers to focus on high-risk and newly released offenders who needed more intensive supervision. Under the system outlined in CSSB 909, offenders would be released early only from supervision, but they would not be formally discharged from parole. This means that their parole still could be revoked if warranted.

OPPONENTS
SAY:

Criminal Justice Legislative Oversight Committee. It is unnecessary to create a new entity to provide duplicate information about criminal justice matters because several entities now fill this need. For example, the LBB's Criminal Justice Data Analysis Team monitors Texas' adult and juvenile correctional populations, calculates statistics relating to recidivism rates and costs-per-day, and conducts research projects on legislative actions that could affect correctional populations. Other bodies providing information include the criminal justice agencies, the state auditor, and the newly created Criminal Justice Statistical Analysis Center in the Governor's Office. In addition, both the House and the Senate have committees with jurisdictional oversight of criminal justice agencies.

Payment for overtime. Statutorily requiring TDCJ to pay overtime in the pay period in which it was earned would reduce the Legislature's and agency's flexibility to allocate its budget. Although TDCJ's current overtime policies are in compliance with CSSB 909, in 2003 the agency had to institute another policy in response to budget cuts.

Management-employee meetings. It is unnecessary to require TDCJ to meet with employee organizations. TDCJ already does this and would continue without a legislative mandate. It would be unusual to require a state agency to hold such meetings and formally report on them.

Early termination of probation. Current law allows judges to review offenders at their own discretion and to reduce or terminate a probation term after one-third of the original term, or two years, whichever is less. The mandatory review established by the bill could contribute to distortions in the state's sentencing. The review, with what many would see as a bias toward terminating probation, could lead prosecutors to view the maximum five-year terms as two and one-half year terms, which could be unreasonable and unacceptable to some prosecutors, victims, and members of the public. It would be unnecessary and burdensome to require judges to tell defendants in writing why they did not receive an early termination. Judges might prefer not to put their reasoning in writing

because they decided not to terminate a case on the basis of a combination of factors, such as the nature of the offense, a defendant's criminal history, and the effort the defendant had put into meeting the terms of probation.

New funding formula for probation. CSSB 909 could upset the sentencing dynamics in Texas by providing incentives for probation departments to terminate probation early and disincentives to revoking probation. If prosecutors and courts felt that awards for early termination of probation resulted in early termination being the norm, they could support longer probation terms or more incarceration. Incentives for early termination and disincentives to revoking probation for technical violations could result in some probationers remaining in the free world on probation when they should have their probation revoked and be sent to prison.

MRIS for state jail felons. By placing the authority for release on MRIS into the laws governing probation, the bill would set up a new, confusing way for state jail offenders to be released and could erode the principle that state jail offenders are not released on parole.

Parole guidelines. Many of the requirements in CSSB 909 are unnecessary. The BPP already meets regularly to discuss its parole guidelines and already reports on them in its annual report.

The requirement in CSSB 909 that the parole board describe in detail the specific circumstances of a departure from the parole guidelines would be difficult to meet. The decision to grant or deny parole is not an exact science, and the parole guidelines do not produce a clear recommendations to either grant or deny. When votes are cast, parole board members have only a risk level analysis and an assigned guideline level, not an up-to-the minute deviation rate. Board members do not know if they have already exceeded the parole guideline percentages for that month, and knowing that could lead to charges that they were voting to meet quotas for release. Parole decisions are made based on a number of factors, such as type of crime, criminal history, impact on victims, and public safety, and parole guidelines are just one tool. Decisions should continue to be made based on these factors without elevating the importance of the parole guidelines.

Early release from parole supervision. CSSB 909 would institute a system in which TDCJ parole division staff – and not the parole board – made decisions about releasing offenders early from their parole

supervision. Decisions to release offenders from supervision would best be made by the BPP.

NOTES:

The House committee substitute made several changes to the Senate-passed version of the bill, including:

- having the review to consider early probation termination occur at one-half of the original probation period or at two years, whichever was more, while the Senate bill set the deadline at one-third of the probation term or two years, whichever was earlier;
- adding restrictions on early termination of probation if a defendant had not completed court-ordered counseling or treatment;
- revising the formula for probation funding in a different way;
- adding requirements that would have to be met when a local probation department was filling the job of department director;
- removing a requirement that the lieutenant governor and the speaker of the House give first consideration to members of the Senate Finance Committee and the House Appropriations Committee when making appointments to the newly created Criminal Justice Oversight Committee;
- adding the requirement for agency-employee meetings;
- including the requirement that TDCJ employee overtime be paid in the pay period in which it accrued;
- adding the requirement that sex offenders being released from custody, parole, or mandatory supervision be given a dynamic risk assessment and be assigned a risk level of low, medium, or high;
- adding the increase in the cap on the number of TDCJ inmates who could work for private businesses in non-service jobs and requiring businesses in the program with service jobs to pay at least the federal minimum wage;
- prohibiting TDCJ from exempting employees from certain sex offender treatment licensing requirements;
- adding the requirement that the Board of Pardons and Paroles submit a legislative appropriations request separate from TDCJ's;
- adding the requirement that TDCJ adopt a career ladder for parole officers; and
- adding the requirement that the parole guidelines require consideration of an inmate's progress in programs in which they were required to participate.

Several provisions in CSSB 909 have been in other bills approved by the House, including: the early termination of probation in HB 1678 by Madden, which passed the House by 135-7 on April 25 and was reported favorably by the Senate Criminal Justice Committee on May 16 and recommended for the Local and Uncontested Calendar; revisions to the probation funding formula in HB 3200 by Madden, which passed the House by 141-0 on May 10 and was scheduled for a May 17 public hearing in the Senate Criminal Justice Committee; and HB 431 by Madden, which authorizes state jail felons to be released on medically recommended intensive supervision, and passed the House by 138-6 on May 10 and was scheduled for a May 17 public hearing in the Senate Criminal Justice Committee.

According to the fiscal note, CSSB 909 would cost \$5.3 million in fiscal 2008-09. The requirement that TDCJ establish a career ladder for parole officers would cost \$5.7 million for fiscal 2008-09, and the bill would contain many smaller costs and gains for TDCJ.