

SUBJECT: Revising information relating to parole, individual treatment plans

COMMITTEE: Corrections — committee substitute recommended

VOTE: 7 ayes — Murr, Allen, Burrows, Rodriguez, Sherman, Slaton, White

0 nays

2 absent — Bailes, Martinez Fischer

WITNESSES: For — Jennifer Toon, Coalition of Texans with Disabilities; Diana Briseno, Maggie Luna, Matthew Marx, and Albert Yancey, Statewide Leadership Council; Savannah Eldrige, Statewide Leadership Council, Be Frank 4 Justice, and National Freedom Movement; Douglas Smith, Texas Criminal Justice Coalition; Rhonda Gilbert; Charlie Malouff; Veronica Morales; (*Registered, but did not testify*: Terra Tucker, Alliance for Safety and Justice; Nick Hudson, American Civil Liberties Union of Texas; Warren Burkley, Austin Justice Coalition; Kathy Mitchell, Just Liberty; Karen Munoz and Jorge Renaud, LatinoJustice; Koretta Brown, The Alliance For A New Justice System; Ashley Harris, United Ways of Texas; Lauren Johnson; Thomas Parkinson; Arasely Reyes)

Against — None

On — Jason Clark, Texas Department of Criminal Justice; Bettie Wells, Texas Board of Pardons and Paroles

BACKGROUND: Some have called for the current decision-making process about programs and treatment necessary for individuals to be released from prison on parole to be improved in order to allow for more timely access to programs and more accurate parole release decisions.

DIGEST: CSHB 2793 would expand information that must be given to those who are denied parole, add to the information that the Board of Pardons and Paroles (BPP) must report about its parole guidelines, and revise several elements of individual treatment plans developed by the Texas

Department of Criminal Justice (TDCJ) for those who are incarcerated.

Information on parole decision, report on parole guidelines. The bill would require that when parole panels deny an individual's release on parole, the panel include in its written statement the specific actions the individual would have to take to address factors that contributed to the denial of parole and to provide the statement to the rehabilitation programs division of TDCJ.

During its annual review of parole guidelines, BPP would be given authority to update the guidelines by adjusting the way they account for progress on an inmate's individual treatment plan and by adjusting the risk level of an inmate based on the individual's progress on a treatment plan.

BPP's annual report on its parole guidelines would have to include an explanation of how the board accounts for an individual's progress on a treatment plan and how the board uses the guidelines to make an individualized determination to approve or deny release on parole. The report also would have to include an analysis of parole denials.

Individual treatment plans. CSHB 2793 would revise the deadline for TDCJ to obtain certain information about individuals committed to the agency from 120 to 45 days after the date the individual was admitted. The bill would require the department to include in the information it gathers an evaluation of the educational, rehabilitative, and vocational needs of the individual and the results of a risk and needs assessment instrument.

The bill would set a deadline of 60 days after obtaining the information for TDCJ to establish the individual's treatment plan. When performing the annual revisions of an individual's treatment plan, TDCJ would be required to revise the risk and needs assessment score to reflect completion of required programs. If TDCJ revised an individual's treatment plan, it would have to give the individual the revised plan as soon as practicable.

The current requirement that TDCJ make reasonable efforts to provide individuals the opportunity to complete classes or programs included in their treatment plan before their release on parole would be revised. Instead, TCCJ would have to make efforts to provide the opportunity to complete classes or programs before the date someone is eligible for parole.

Approximately one year before an individual's parole eligibility date, TDCJ would have to assess the individual using a risk and needs assessment instrument and revise the individual's assessment score to reflect the completion of programs required by the individual's treatment plan. This would not apply to someone for whom a treatment plan was established in the 12 months preceding a parole eligibility date.

The bill would revise the time frame for TDCJ to conduct an initial review of an individual eligible for parole to identify classes or programs BPP intends to require the person to complete. Instead of doing the initial review no later than 180 days after admission to TDCJ, it would have to be done no later than 90 days after admission.

CSHB 2793 would revise a requirement that the board identify required classes and programs before releasing someone on parole and would instead mandate that the identification occur before the individual's parole eligibility date. TDCJ would have to make the classes available to the individuals before their parole eligibility date.

TDCJ would be required to revise an individual's risk level to reflect the completion of required programs and provide BPP a record of an individual's progress toward completing a treatment plan and any other pertinent information related to the person's progress toward rehabilitation.

The bill would take effect September 1, 2021, and requirements for BPP to include certain information in its statement after making parole decisions would apply only to decisions made after that date.