

BILL ANALYSIS

Senate Research Center

H.B. 819
By: Cuellar (Ellis)
Criminal Justice
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Engrossed

DIGEST

The most recent study conducted on recidivism of adults leaving the Texas correctional system indicated that 48 percent of inmates released from prison in 1991 returned within three years. This is an increase from the 35 percent recorded in 1984. Criminal justice experts agree that the key to successful recidivism programs is ensuring that they are logically connected, intensive, and geared toward an offender's specific needs. The Texas Department of Criminal Justice (TDCJ) currently has a programs and services division to coordinate offender programs involving two or more divisions; however, this division has no administrative authority over TDCJ's treatment programs. Four separate divisions within TDCJ with rehabilitative programs have different missions and report to different directors. This bill will provide regulations to reduce the recidivism rate for individuals under the supervision of TDCJ.

PURPOSE

As proposed, H.B. 819 provides regulations to reduce the recidivism rate for individuals under the supervision of the Texas Department of Criminal Justice.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Criminal Justice in SECTION 6 (Section 501.097, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 413, Government Code, by adding Section 413.022, as follows:

Sec. 413.022. **RECIDIVISM PERFORMANCE REVIEW.** Sets forth regulations regarding a performance review by the Texas Criminal Justice Policy Council (council) of certain programs designed for the primary purpose of rehabilitating inmates.

SECTION 2. Amends Section 493.002(a), Government Code, to provide that the programs and services division is within the Texas Department of Criminal Justice (TDCJ).

SECTION 3. Amends Chapter 493, Government Code, by adding Sections 493.0052 and 493.0082, as follows:

Sec. 493.0052. **PROGRAMS AND SERVICES DIVISION.** Sets forth regulations for the programs and services division.

Sec. 493.0082. **PROGRAM EVALUATION CAPABILITY.** Requires TDCJ to maintain a program evaluation capability separate from the programs and services division to determine the effectiveness of rehabilitation and reintegration programs and services provided to inmates and other offenders under the jurisdiction of TDCJ.

SECTION 4. Amends 497.003, Government Code, to set forth the composition of the prison industries advisory committee (advisory committee). Requires the advisory committee to advise the Texas Board of Criminal Justice (board) on all aspects of prison industry operations, and to make recommendations to the board on the effective use of prison industries programs to assist inmates in

the development of job skills necessary for successful reintegration into the community after release from imprisonment. Requires the board to submit a report to the 76th Legislature that outlines the advisory committee's recommendations, the board's response, and the status of any implementation efforts associated with the advisory committee's recommendations. Provides that this subsection expires August 31, 2000.

SECTION 5. Amends Section 497.004, Government Code, by adding Subsection (c), to require TDCJ to consider each inmate's needs and projected release date in assigning inmates to available job training positions in prison factories.

SECTION 6. Amends Chapter 501C, Government Code, by adding Section 501.097, as follows:

Sec. 501.097. REINTEGRATION SERVICES. Requires TDCJ and the Texas Workforce Commission, by rule, to adopt a memorandum of understanding that establishes their respective responsibilities for providing inmates who are released into the community on parole or other conditional release with a network of centers designed to provide education, employment, and other support services based on a "one stop for service" approach. Authorizes an agency of the state not listed in this section that determines that it may provide reintegration services to inmates similar to those described in Subsection (a) to participate in the development of the memorandum, if TDCJ and the Texas Workforce Commission approve the agency's participation.

SECTION 7. Amends Chapter 2162C, Government Code, by adding Section 2162.106, as follows:

Sec. 2162.106. REVIEW OF PRISON INDUSTRIES OFFICE. Sets forth regulations regarding a review by the State Council on Competitive Government of the services provided by the prison industries office of TDCJ. Provides that this section expires August 31, 2000.

SECTION 8. (a) Effective date, except as otherwise provided by this section: September 1, 1997.

(b) Provides that Section 493.002(a), Government Code, as amended by this Act, and Section 493.0052(a), Government Code, as added by this Act, take effect September 1, 1998. Requires the board to complete the determination and designation of programs and services required by Section 493.0052(b), Government Code, as added by this Act, not later than September 1, 1998.

(c) Requires TDCJ and the Texas Workforce Commission to establish the memorandum of understanding required by Section 501.097, as added by this Act, not later than December 1, 1997.

(d) Requires the State Council on Competitive Government to complete the review required by Section 2162.106(a), Government Code, as added by this Act, not later than September 1, 1998.

(e) Requires the Sunset Advisory Commission to work cooperatively with the State Council on Competitive Government in reviewing TDCJ for proposed legislation in the 76th Legislature to avoid duplication in the review of the prison industries office.

(f) Requires the council to submit the first biennial report required by Section 413.022, Government Code, as added by this Act, on or before January 1, 2001.

SECTION 9. Sets forth regulations regarding appointments to the prison industries advisory committee.

SECTION 10. Provides that, if in another Act of the 75th Legislature, Regular Session, 1997, that is enacted and becomes law, the name of the prison industries office in TDCJ is changed to Texas correctional industries office, a reference to the prison industries office in law amended or added by this Act means the Texas correctional industries office of TDCJ.

SECTION 11. Emergency clause.