

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 166
By: West, Royce
Criminal Justice
3/29/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 79th Legislature, Regular Session, 2005, Senator West introduced S.B. 938 the goal of which was to create a pilot progressive sanctions model to be implemented by local community supervisions and corrections departments (CSCDs) across the state. The objective of such legislation was to lower the rate of revocations experienced by offenders under the supervision of CSCDs. Reducing the rate of probation revocations would, in turn, have a positive impact toward reducing Texas' growing prison population. Evidence-based progressive sanctions models have experienced success in reducing the rate of probation revocations when implemented in Fort Bend County and in the City of El Paso. Similar evidence-based practices have also proven successful when administered at the court level by drug courts diversion programs in Dallas and Harris counties.

S.B. 938 did not pass into law, but the recommendations made within it were adopted by the Community Justice Assistance Division (CJAD). Funding was appropriated, and the guidelines set forth in S.B. 938 were used as the criterion to award grants for counties to lower revocations and reduce caseloads and technical violations by implementing progressive sanctions principles. Early results of the larger scale implementation of the progressive sanctions model have proven successful. Of the 26 local CSCDs who received additional funding, 13 produced a net total of 1,155 fewer revocations when comparing fiscal year (FY) 2006 to FY 2005. In addition, 1,248 fewer technical revocations took place in FY 2006 than in FY 2005. Conversely, departments not accepting new funding had more persons revoked to prison in 2006 than in 2005. The Sunset Advisory Commission projects that through the implementation of progressive sanctions, the state realized more than \$14 million in cost avoidance in lieu of those persons being revoked to prison.

C.S.S.B. 166 reinforces the progressive sanctions model created by S.B. 938. This bill targets medium and high-risk offenders for increased supervision by making more resources available to departments with documented higher-than-average revocation rates. Those additional resources could be used to help lower the caseloads of CSCD officers who are then able to provide a higher level of supervision to assigned cases. C.S.S.B. 166 builds upon the progressive sanctions model implemented by CJAD following the 79th Legislature by working with CSCDs and improving the coordination between the departments and the courts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 509, Government Code, by adding Section 509.016, as follows:

Sec. 509.016. PRISON DIVERSION PROGRESSIVE SANCTIONS PROGRAM. (a) Requires the community justice assistance division (division) to provide grants to selected departments for the implementation of progressive programs designed to reduce the revocation rate of defendants placed on community supervision. Requires the division to give priority to departments serving communities in which the revocation rate of defendants on community supervision significantly exceeds the statewide average or historically has significantly exceeded the statewide average, or have demonstrated

success in reducing the revocation rate of defendants placed on community supervision through the implementation of a system of progressive sanctions.

(b) Requires the division to give preference to departments that present a plan targeting medium-risk and high-risk defendants and use progressive sanction models that adhere to the components set forth in Section 469.001 (Drug Court Program Defines), Health and Safety Code. Requires a department to offer a plan that includes all or some if not all of certain components as a condition to receiving a grant. Sets forth the aforementioned components.

(c) Requires the division to provide a report not later than December 1 of each even-numbered year to the Texas Board of Criminal Justice (board) containing certain information and an analysis relating to departments receiving grants under this section. Authorizes the division to include in the report any other information the division determines will be beneficial to the board or the legislature. Requires the board to forward the report to the lieutenant governor and the speaker of the house of representatives not later than December 15 of each even-numbered year.

SECTION 2. Requires the division of the Texas Department of Criminal Justice to develop criteria and review grant proposals as soon as possible after the effective date of this Act and to begin making grants under Section 509.016, Government Code, not later than September 30, 2007.

SECTION 3. Effective date: upon passage or September 1, 2007.