

BILL ANALYSIS

Senate Research Center
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S.B. 44
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there are 27 battering intervention and prevention programs that receive funding through the Texas Department of Criminal Justice (TDCJ) and are therefore required to meet several standards set out by TDCJ, although they are not officially accredited. Other programs in the state operate with no requirements. Some judges are not aware of the difference between the two types of programs and refer defendants to both those funded by TDCJ which meet certain requirements and those which are not required to meet any program criteria and are not funded by TDCJ.

As proposed, S.B. 44 creates an accreditation process for battering intervention and prevention programs and requires judges to refer defendants in cases of family violence to a program accredited by TDCJ.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 14, Article 42.12, Code of Criminal Procedure, as amended by Chapter 165, Acts of the 73rd Legislature, Regular Session, 1993, Chapter 910, Acts of the 76th Legislature, Regular Session, 1993, and Chapter 353, Acts of the 78th Legislature, Regular Session, 2003, by amending Subsection (c) and adding Subsections (c-1) and (c-2), as follows:

(c) Authorizes a court granting community supervision to a person convicted of an offense involving family violence to require the defendant to attend certain accredited counseling programs.

(c-1) Requires certain counseling programs or providers, beginning on September 1, 2009, to be accredited under Section 4A, Article 42.141, as conforming to program guidelines under that article.

(c-2) Creates this subsection from existing text.

SECTION 2. Amends Section 1(7), Article 42.141, Code of Criminal Procedure, to redefine "program."

SECTION 3. Amends Article 42.141, Code of Criminal Procedure, by amending Sections 3 and 4 and adding Section 4A, as follows:

Sec. 3. DUTIES OF THE DIVISION. Sets forth the duties of the community justice assistance division (division) of the Texas Department of Criminal Justice (TDCJ). Requires the division to seek the input of the statewide nonprofit organization to develop standards for the selection of program for inclusion in the project and the review of submitted proposals. Requires the division to seek the assistance of the nonprofit organization in developing program guidelines and in accrediting certain programs and providers as conforming to those guidelines.

Sec. 4. DUTIES OF THE NONPROFIT ORGANIZATION. Makes a conforming change.

Sec. 4A. ADOPTION OF PROGRAM GUIDELINES; ACCREDITATION PROCESS. Requires the division, with the assistance of the statewide nonprofit organization, to adopt guidelines for the program and accredit certain programs and providers. Requires the division to collect a one-time application fee in an amount set by TDCJ from each program or provider that applies for accreditation under this section.

SECTION 4. Amends Section 85.022, Family Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Authorizes the court to order a person found to have committed family violence to take certain actions that the court deems necessary or appropriate to reduce the likelihood of family violence. Authorizes the court to order the person to complete a program accredited under Article 42.141, Code of Criminal Procedure. Provides additional options for the court, and requirements thereof, if the referral option is not available beginning on September 1, 2008. Makes conforming changes.

(a-1) Requires a program or provider serving as a referral option to be accredited beginning on September 1, 2009.

SECTION 5. Amends Section 85.024(a), Family Code, to make a conforming change.

SECTION 6. Makes application of this Act prospective. Requires the division to adopt guidelines required by Section 4A, Article 42.141, Code of Criminal Procedure, as added by this Act, not later than April 1, 2008.

SECTION 7. Effective date: September 1, 2007.