

BILL ANALYSIS

Senate Research Center

H.B. 1711
By: Turner, Sylvester et al. (Whitmire)
Criminal Justice
5/5/2009
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Each year, more than 70,000 inmates leave prison and return to Texas communities, where they are faced with a lack of the services and structure essential to their successful reintegration into society. Furthermore, many inmates are released into the community without the skills and tools necessary to support themselves, which significantly contributes to the state's high rates of recidivism. Programs that effectively assist the transition of former inmates from prison to our communities are critical to enabling those inmates to practice positive social skills and responsible living, while also boosting Texas' efforts to improve public safety.

H.B. 1711 amends current law relating to requiring the Texas Department of Criminal Justice to establish a comprehensive reentry and reintegration plan for offenders released or discharged from a correctional facility.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Criminal Justice in SECTION 2 (Section 501.098, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 495, Government Code, by adding Section 495.028, as follows:

Sec. 495.028. IMPLEMENTATION OF REENTRY AND REINTEGRATION PLAN.

(a) Authorizes the Texas Department of Criminal Justice (TDCJ) to contract and coordinate with private vendors, units of local government, or other entities to implement the comprehensive reentry and reintegration plan developed under Section 501.092, including contracting to coordinate the supervision and services provided to offenders in correctional facilities with any supervision or services provided to offenders who have been released or discharged from the correctional facility; provide offenders awaiting release or discharge with documents that are necessary after release or discharge, including identification papers, medical prescriptions, job training certificates, and referrals to services; and provide housing and structured programs, including group homes for recovering substance abusers, through which offenders are provided services immediately following release or discharge.

(b) Requires that any contract entered into under this section, to ensure accountability, contain specific performance measures that TDCJ is required to use to evaluate compliance with the terms of the contract.

SECTION 2. Amends Subchapter C, Chapter 501, Government Code, by adding Sections 501.091, 501.092, 501.098, 501.099, and 501.100, as follows:

Sec. 501.091. DEFINITIONS. Defines "correctional facility" and "offender."

Sec. 501.092. COMPREHENSIVE REENTRY AND REINTEGRATION PLAN FOR OFFENDERS. (a) Requires TDCJ to develop a comprehensive plan to reduce recidivism and ensure the successful reentry and reintegration of offenders into the community following an offender's release or discharge from a correctional facility.

(b) Requires that the reentry and reintegration plan developed under this section provide for an assessment of each offender entering a correctional facility to determine which skills the offender needs to develop to be successful in the community following release or discharge; programs that address the assessed needs of each offender; a comprehensive network of transition programs to address the needs of offenders released or discharged from a correctional facility; the identification of providers of existing local programs and transitional services with whom TDCJ is authorized to contract under Section 495.028 to implement the reentry and reintegration plan; and subject to Subsection (c), the sharing of information between local coordinators, persons with whom TDCJ contracts under Section 495.028, and other providers of services as necessary to adequately assess and address the needs of each offender.

(c) Authorizes that an offender's personal health information be disclosed under Subsection (b)(5) (relating to the sharing of information between local coordinators) only if the offender consents to the disclosure and the disclosure does not violate the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) or other state or federal law.

(d) Requires that the programs provided under Subsections (b)(2) (relating to programs that address the assessed needs of each offender) and (3) (relating to a comprehensive network of transition programs) be implemented by highly skilled staff who are experienced in working with inmate reentry and reintegration programs; provide offenders with individualized case management and a full continuum of care; life-skills training, including information about budgeting, money management, nutrition, and exercise; education and, if an offender has a learning disability, special education; employment training; appropriate treatment programs, including substance abuse and mental health treatment programs; and parenting and relationship building classes; and be designed to build for former offenders post-release and post-discharge support from the community into which an offender is released or discharged, including support from agencies and organizations within that community.

(e) Requires TDCJ, in developing the reentry and reintegration plan under this section, to ensure that the reentry program for long-term inmates under Section 501.096 (Reentry Program For Long-Term Inmates) and the reintegration services provided under Section 501.097 (Reintegration Services) are incorporated into the plan.

Sec. 501.098. REENTRY TASK FORCE. (a) Requires TDCJ by rule to enter into a memorandum of understanding with certain entities to establish a reentry task force in the office of the governor.

(b) Authorizes the reentry task force established under Subsection (a) to identify gaps in services for offenders following their release or discharge to rural or urban communities in the areas of employment, housing, substance abuse treatment, medical care, and any other areas in which the offenders need special services; and coordinate with providers of existing local reentry and reintegration programs, including programs operated by a municipality or county, to make recommendations regarding the provision of comprehensive services to offenders following their release or discharge to rural or urban communities.

Sec. 501.099. FAMILY UNITY AND PARTICIPATION. (a) Requires TDCJ to adopt and implement policies that encourage family unity while an offender is confined and family participation in an offender's post-release or post-discharge transition to the community. Requires TDCJ, in adopting the policies, to consider the impact of TDCJ telephone, mail, and visitation policies on the ability of an offender's child to maintain ongoing contact with the offender.

(b) Requires TDCJ, when determining in which correctional facility to house an offender, to consider the best interest of the offender's family and, if possible,

house the offender in, or in proximity to, the county in which the offender's family resides.

(c) Requires TDCJ to conduct and coordinate research that examines the impact of an offender's confinement on the well-being of the offender's child.

Sec. 501.100. RECIDIVISM STUDY; REPORT. (a) Requires TDCJ to conduct and coordinate research to determine whether the comprehensive reentry and reintegration plan developed under Section 501.092 and the policies adopted under Section 501.099 to encourage family unity and participation reduce recidivism rates.

(b) Requires TDCJ, not later than September 1 of each even-numbered year, to deliver a report of the results of research conducted or coordinated under Subsection (a) to the lieutenant governor, the speaker of the house of representatives, and the standing committees of each house of the legislature with primary jurisdiction over criminal justice and corrections.

SECTION 3. (a) Requires TDCJ, as soon as practicable after the effective date of this Act, to enter into a memorandum of understanding as required by Section 501.098, Government Code, as added by this Act.

(b) Requires TDCJ, not later than January 1, 2010, to adopt and implement the policies required by Section 501.099, Government Code, as added by this Act.

(c) Requires TDCJ, not later than January 1, 2010, to develop and implement the comprehensive reentry and reintegration plan for offenders as required by Section 501.092, Government Code, as added by this Act.

SECTION 4. Effective date: upon passage or September 1, 2009.

SUMMARY OF COMMITTEE CHANGES

Amends H.B. 1711, as engrossed, as follows:

(1) Amends SECTION 2 of the bill, in Section 501.098(a), Government Code (page 4, line 16), by inserting "shall coordinate the work of the task force with the Office of Court Administration, and".

(2) Amends SECTION 2 of the bill, in Section 501.098(a), Government Code (page 4, lines 18 and 19), by inserting ":" and striking "in the office of the governor:".

(3) Amends SECTION 2 of the bill, in Section 501.092(b)(1), Government Code (page 2, line 20), by striking "each offender" and inserting "offenders".

(4) Amends SECTION 2 of the bill, in Section 501.092(b)(2), Government Code (page 2, line 24), by striking "each offender" and inserting "offenders".