

BILL ANALYSIS

Senate Research Center
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H.B. 1771
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Approximately 10 years ago, the legislature appropriated funds to support existing drug courts and to expand the number of drug courts in Texas. The level of funding for this purpose was enhanced after several years when fees assessed on certain offenses were designated for drug court grants issued by the governor's criminal justice division. The number of drug courts operating in Texas and registered with the criminal justice division has grown from fewer than 10 to more than 100 since the program was first funded, as the courts have expanded from serving adults to include juvenile, family, and veterans' projects. The criminal justice division began using other state and federal grant funds to support the expansion of the courts, and the program, originally funded at less than \$1 million, has grown into a program that has awarded over 60 grants totaling nearly \$8.6 million for this fiscal year.

The purpose of H.B. 1771 is to establish the Specialty Courts Advisory Council in the governor's criminal justice division to assist with the review and prioritization of grant applicants from specialty courts. The proposed reductions in state grant funds and potential reductions in federal grant funds make it essential that funds be distributed in a manner that will maintain support in all areas of Texas.

H.B. 1771 amends current law relating to the establishment of the Specialty Courts Advisory Council.

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 772, Government Code, by adding Section 772.0061, as follows:

Sec. 772.0061. SPECIALTY COURTS ADVISORY COUNCIL. (a) Defines, in this section, "council" and "specialty court."

(b) Requires the governor to establish the Specialty Courts Advisory Council (council) within the criminal justice division established under Section 772.006 (Governor's Criminal Justice Division) to evaluate applications for grant funding for specialty courts in this state and to make funding recommendations to the criminal justice division.

(c) Provides that the council is composed of seven members appointed by the governor as follows:

(1) three members with experience as judges of a specialty court; and

(2) four members who represent the public.

(d) Requires the members appointed under Subsection (c)(2) to reside in various geographic regions of the state, and have experience practicing law in a specialty

court or possess knowledge and expertise in a field relating to behavioral or mental health issues or to substance abuse treatment.

(e) Provides that members are appointed for staggered six-year terms. Provides that the terms of either two or three members, as applicable, expire February 1 of each odd-numbered year.

(f) Prohibits a person from being a member of the council if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists) because of the person's activities for compensation on behalf of a profession related to the operation of the council.

(g) Requires the governor, if a vacancy occurs on the council, to appoint a person to serve for the remainder of the unexpired term.

(h) Requires the council to select a presiding officer.

(i) Requires the council to meet at the call of its presiding officer or at the request of the governor.

SECTION 2. Requires the governor, not later than February 1, 2012, to appoint the members of the council created by Section 772.0061, Government Code, as added by this Act. Requires the governor to appoint two members to terms expiring February 1, 2013, two members to terms expiring February 1, 2015, and three members to terms expiring February 1, 2017.

SECTION 3. Effective date: upon passage or September 1, 2011.