

BILL ANALYSIS

Senate Research Center
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S.B. 1055
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 509 (Community Justice Assistance Division) Government Code, requires the Community Justice Assistance Division (CJAD) of the Texas Department of Criminal Justice (TDCJ) to require each community supervision and corrections department (CSCD) to prepare and submit a Community Justice Plan. A community justice plan is a statement of the goals and priorities of TDCJ relating to such things as to achieve a targeted level of alternative sanctions, a description of the methods for measuring success, and a proposal for maintenance and use of state jail felony facilities.

S.B. 1055 would require the CJAD to also prepare a report that contains a detailed summary of the programs and services provided by its departments as described in each department's Community Justice Plan. The report requires that all financial information concerning the amount of state aid and non state aid used in support of programs and services provided by the TDCJ be included. The bill also requires that CJAD submit the report to the Texas Board of Criminal Justice (TBCJ) not later than the date on which TBCJ is required to submit its legislative appropriations request (LAR) to the Legislative Budget Board (LBB). This ensures that TBCJ will have information contained in the report for purposes of preparing its LAR.

In addition to submitting the report, S.B. 1055 also authorizes the CSCDs to submit a Commitment Reduction Plan, which would set forth a target number by which the counties served by the probation departments would reduce the number of individuals committed to TDCJ. The bill would further permit the departments to be eligible for additional state funding which would come from the estimated savings of the reduction in the number of individuals committed to TDCJ to achieve the goals set out in the Reduction Plan. In the event TDCJ makes such a request, the bill would require TDCJ to pledge to repay the state a percentage of the monies received that would be equal to the percentage by which TDCJ fails to reach the target number.

Allowing departments to prepare plans targeted to reducing the number of individuals imprisoned would be beneficial for a number of reasons including any cost savings associated with maintaining incarcerated individuals.

As proposed, S.B. 1055 amends current law relating to reports concerning and the reporting of the use of certain funds by community supervision and corrections departments and to the preparation of commitment reduction plans by those departments.

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 492, Government Code, by adding Section 492.017, as follows:

Sec. 492.017. LEGISLATIVE APPROPRIATIONS REQUEST. (a) Requires the Texas Board of Criminal Justice (board) to require the Texas Department of Criminal Justice (TDCJ) to submit each legislative appropriations request, accompanied by the most

recent report prepared by the community justice assistance division (CJAD) of the TDCJ under Section 509.004(c), to the board for approval before TDCJ submits the appropriations request to the Legislative Budget Board (LBB).

(b) Requires the board, in deciding whether to approve a legislative appropriations request submitted under Subsection (a), to consider the most recent report prepared by the CJAD under Section 509.004(c).

SECTION 2. Amends Chapter 493, Government Code, by adding Section 493.0081, as follows:

Sec. 493.0081. LEGISLATIVE APPROPRIATIONS REQUEST. Requires TDCJ to include in each legislative appropriations request submitted to the LBB the information contained in the most recent report prepared by CJAD under Section 509.004(c).

SECTION 3. Amends Section 509.004, Government Code, by adding Subsections (c), (d), and (e), as follows:

(c) Requires CJAD to prepare a report that contains a detailed summary of the programs and services provided by departments, as described in each community justice plan submitted to the division under Section 509.007. Requires that the report include:

(1) all financial information relating to the programs and services described in each community justice plan; and

(2) information concerning the amount of state aid and funding that is not state aid used to support each program or service provided by a department.

(d) Requires CJAD, as soon as practicable after the completion of the report, to submit the report prepared under Subsection (c) to the board and the executive director of TDCJ.

(e) Requires CJAD, not later than the date on which TDCJ is required to submit TDCJ's legislative appropriations request to LBB, to submit the report prepared under Subsection (c) to LBB.

SECTION 4. Amends Section 509.007, Government Code, as follows:

Sec. 509.007. COMMUNITY JUSTICE PLAN. (a) Requires the community justice council (council) to submit a revised plan to CJAD each even-numbered year not later than March 1, rather than each odd-numbered year by a date designated by the division.

(b) Requires that a community justice plan required under this section include certain information, including a description of the programs and services the community supervision and corrections department established under Chapter 76 (department) provides or intends to provide, including a separate description of any programs or services the department intends to provide to enhance public safety, reduce recidivism, strengthen the investigation and prosecution of criminal offenses, improve programs and services available to victims of crime, and increase the amount of restitution collected from persons supervised by the department; and an outline of the department's projected programmatic and budgetary needs, based on the programs and services the department both provides and intends to provide.

SECTION 5. Amends Chapter 509, Government Code, by adding Section 509.0071, as follows:

Sec. 509.0071. COMMITMENT REDUCTION PLAN. Authorizes a department, in addition to submitting a community justice plan to CJAD under Section 509.007, to submit a commitment reduction plan to CJAD not later than the 60th day after the date on which the time for gubernatorial action on the state budget has expired under Section 14, Article IV, Texas Constitution.

(b) Authorizes a commitment reduction plan submitted under this section to contain a request for additional state funding in the manner described by Subsection (c). Requires that a commitment reduction plan contain:

(1) a target number by which the county or counties served by the department will, relative to the number of individuals committed to TDCJ from the county or counties in the preceding state fiscal year, reduce the number of individuals committed to TDCJ from the county or counties during the state fiscal biennium for which the commitment reduction plan is submitted;

(2) a calculation, based on the most recent Criminal Justice Uniform Cost Report published by LBB, of the savings to the state that will result from the county or counties reaching the target number described by Subdivision (1);

(3) an explanation of the programs and services the department intends to provide using any funding received by the department under Subsection (c)(1), including any programs or services designed to enhance public safety, reduce recidivism, strengthen the investigation and prosecution of criminal offenses, improve programs and services available to victims of crime, and increase the amount of restitution collected from persons supervised by the department;

(4) a pledge by the department to provide accurate data to CJAD at the time and in the manner required by CJAD; and

(5) a pledge to repay the state a percentage of the lump sum received under Section (c)(1) that is equal to the percentage by which the department fails to reach the target number described by Subdivision (1), if the department does not reach that target number.

(c) Authorizes the division, after reviewing a commitment reduction plan submitted by a department, if CJAD is satisfied that the commitment reduction plan is feasible and would achieve desirable outcomes, CJAD may award to the department:

(1) a one-time lump sum in an amount equal to 35 percent of the savings to the state described by Subsection (b)(2); and

(2) on a biannual basis, and from the 65 percent of the savings to the state that remains after payment of the lump sum described by Subdivision (1), the following incentive payments for the department's performance in the six months immediately preceding the payment 15 percent, for reducing the percentage of persons supervised by the department who commit a new felony while under the supervision of the department; five percent, for increasing the percentage of persons supervised by the department who are not delinquent in making any restitution payments; and five percent, for increasing the percentage of persons supervised by the department who are gainfully employed, as determined by CJAD.

(d) Authorizes a department to use funds received under Subsection (c) to provide any program or service that the department is authorized to provide under other law, including implementing, administering, and supporting evidence-based community supervision strategies, electronic monitoring, substance abuse and mental health counseling and treatment, specialized community supervision caseloads, intermediate sanctions, victims' services, restitution collection, short-term incarceration in county jails, specialized courts, pretrial services and intervention programs, and work release and day reporting centers.

(e) Provides that any funds received by a department under Subsection (c) are in addition to any per capita or formula funding received by the department under Section 509.011 (Payment of State Aid).

SECTION 6. Effective date: September 1, 2011.