

## **BILL ANALYSIS**

Senate Research Center  
84R25227 JRR-D

H.B. 1930  
By: White, James; Flynn (Menendez)  
Criminal Justice  
5/20/2015  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 1930 amends current law relating to strategic planning for the operation of community supervision and corrections 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 Section 76.002(a), Government Code, to require the district judge or district judges trying criminal cases in each judicial district and the statutory county court judges trying criminal cases in the county or counties served by the judicial district to approve the community supervision and corrections department's (department) budget and strategic, rather than community justice, plan.

SECTION 2. Amends Sections 76.003(a) and (b), Government Code, as follows:

(a) Provides that a community justice council may be established by the commissioners court of a county, unless a board or council that was in existence on September 1, 1991, is performing duties substantially similar to those imposed on a community justice council under this section. Requires the council to provide continuing policy guidance and direction for criminal justice planning, programs, and initiatives.

Deletes existing text requiring a community justice council to be established by the judges described by Section 76.002 (Establishment of Departments) who are served by a department, unless a board or council that was in existence on September 1, 1991, is performing duties substantially similar to those imposed on a community justice council under this section. Deletes existing text requiring the council to provide continuing policy guidance and direction for the development of community justice plans and community corrections facilities, programs, and conditions of community supervision.

(b) Provides that a council may, rather than should, consist of certain persons or their designees as set forth.

SECTION 3. Amends Section 76.006(j), Government Code, as follows:

(j) Requires the attorney to defend a statutory county court judge in an action in state or federal court if the cause of action is the result of the judge performing a duty described by Section 76.002 or 76.004, rather than 76.002, 76.003, or 76.004 and the judge requests the attorney general's assistance in the defense.

SECTION 4. Amends Section 76.010(c), Government Code, to authorize the department to authorize expenditures of funds provided by the division to the department for the purposes of providing facilities, equipment, and utilities for community corrections facilities or state jail felony facilities if the judges described by Section 76.002 recommend, rather than the community justice council recommends, the expenditures.

SECTION 5. Amends Section 121.002(c), Government Code, to prohibit, notwithstanding any other law, a specialty court program from operating until the judge, magistrate, or coordinator provides to the criminal justice division of the governor's office a copy of the applicable strategic plan, rather than community justice plan, that incorporates duties related to supervision that will be required under the program and receives from the division written verification of the program's compliance.

SECTION 6. Amends Section 509.001(1), Government Code, to redefine "community corrections facility."

SECTION 7. Amends Section 509.003(a), Government Code, to change a reference to community justice plans to strategic plans.

SECTION 8. Amends Sections 509.004(a) and (c), Government Code, as follows:

(a) Makes a conforming change.

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

Deletes existing text requiring the division 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. Deletes existing text requiring that the report include all financial information relating to the programs and services described in each community justice plan, and 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.

SECTION 9. Amends Section 509.007, Government Code, as follows:

Sec. 509.007. New heading: STRATEGIC PLAN. (a) Requires the division to require as a condition to payment of state aid to a department or county under Section 509.011 (Payment of State Aid) that a strategic plan be submitted for the department, rather than requiring the division to require as a condition to payment of state aid to a department or county under Section 509.011 and eligibility for payment of costs under Section 499.124 (Emergency Overcrowding Relief) that a community justice plan be submitted for the department. Prohibits a department, rather than community justice council from submitting a plan under this section unless the plan is first approved by the judges described by Section 76.002 who established the department, rather than the department served by the council. Changes a reference to the council to the department.

(b) Requires that a strategic plan, rather than a community justice plan, required under this section include:

(1) a statement of goals and priorities and of commitment by the department and the judges described by Section 76.002 who established the department, to achieve a targeted level of alternative sanctions;

(2) Makes no change to this subdivision;

(3) a summary of the programs and services the department provides or intends to provide, including a separate summary of any services the department intends to provide in relation to a specialty court program; and any programs or other 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.

(4) Deletes existing Subdivision (5). Redesignates existing Subdivision (5) as Subdivision (4).

Deletes existing text requiring that a community justice plan required under this section include a statement of goals and priorities and of commitment by the community justice council, the judges described by Section 76.002 who established the department, and the department director to achieve a targeted level of alternative sanctions; a proposal for the use of state jail felony facilities and, at the discretion of the community justice council, a regional proposal for the construction, operation, maintenance, or management of a state jail felony facility by a county, a community supervision and corrections department, or a private vendor under a contract with a county or a community supervision and corrections department; a description of the programs and services the department provides or intends to provide, including a separate description of certain services as set forth.

SECTION 10. Amends Section 509.0071(a), Government Code, to change a reference to a community justice plan to a strategic justice plan.

SECTION 11. Amends Section 509.010(f), Government Code, to prohibit a department, a county, a municipality, or a combination involving more than one of those entities from taking an action under Section 76.010 (State Funds or Guarantees for Correction Facilities) unless the entity or entities hold, rather than unless the community justice council serving the entity or entities holds, a public meeting before the action is taken, with notice provided and the hearing to be held in the same manner as set forth.

SECTION 12. Amends Sections 509.011(a) and (d), Government Code, to change a reference to the community justice council to the department, and reference to community justice plan to strategic plan.

SECTION 13. Repealer: Section 499.151(d) (relating to a commissioners court consulting with the community justice council), Government Code.

Repealer: Section 507.001(e) (relating to a commissioners court consulting with the community justice council), Government Code.

SECTION 14. Effective date: September 1, 2015.