

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2352
By: Parker et al. (Huffman)
Criminal Justice
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 85th Regular Session, the reentry pilot program was established by H.B. 3130 to create an educational and vocational training program for certain state jail felony defendants. This program was set up to address significant challenges that individuals reentering the community from prison or jail face in finding stable employment, which increases the likelihood that these individuals will reoffend and return to confinement. The program addressed this issue by providing educational and vocational training, employment, and reentry services to certain defendants.

Unfortunately, due to a small jail population and limited marketing and education, the program has not taken off as expected. H.B. 2352 would help usher the program off the ground by allowing for direct sentencing into the program as a condition of parole in state jail felony cases, increasing the number of potential inmates to be considered for the program, and allow for drug-related third degree felony offenders to be eligible for the program 180 days before the inmate is eligible for parole. An increased pool of potential participants will allow for the program to take off and begin positively impacting defendants as originally intended.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 2352 amends current law relating to an educational and vocational training pilot program for certain state jail felony defendants and certain inmates released on parole and changes parole eligibility.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Pardons and Paroles in SECTION 4 (Section 508.1455, Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Department of Criminal Justice in SECTION 4 (Section 508.1455, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Articles 42A.562(a) and (f), Code of Criminal Procedure, as follows:

(a) Authorizes a judge assessing punishment in a state jail felony case, except as provided by Subsection (b) (relating to prohibiting a judge to place a defendant on community supervision under Article 42A.562 if the defendant is or has previously been convicted of an offense under Title 5, Penal Code), to suspend the imposition of the sentence and place the defendant on community supervision with the condition, rather than conditions, that the defendant participate in a program operated under Section 493.034, rather than Section 507.007 (Educational and Vocational Training Pilot Program), Government Code. Deletes existing text requiring the defendant to submit at the beginning of the term of community supervision to confinement in a state jail felony facility for a term not to exceed 90 days as a condition of community supervision.

(f) Requires a defendant placed on community supervision under Article 42.562 (Placement on Community Supervision; Educational and Vocational Training Pilot

Program) to participate fully in the program described by Subsection (a), rather than Subsection (a) (2).

SECTION 2. Amends Subchapter C, Chapter 72, Government Code, by adding Section 72.036, as follows:

Sec. 72.036. TRAINING ON EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM. Requires the Office of Court Administration of the Texas Judicial System to develop and annually provide a training program to educate and inform judges on the components of the pilot program established under Section 493.034.

SECTION 3. Transfers Section 507.007, Government Code, to Chapter 493, Government Code, redesignates it as Section 493.034, Government Code, and amends it, as follows:

Sec. 493.034. EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM. (a) Requires the Texas Department of Criminal Justice (TDCJ) to establish a pilot program to provide educational and vocational training, employment, and reentry services to:

(1) defendants placed on community supervision, rather than defendants placed on community supervision and required to serve a term of confinement in a state jail felony facility, under Article 42A.562, Code of Criminal Procedure; and

(2) inmates released on parole who are required to participate in the program as a condition of parole imposed under Section 508.1455.

(b) Requires TDCJ, in consultation with interested parties, to determine the eligibility criteria for a defendant or inmate, rather than a defendant, to participate in the pilot program, including requiring the defendant or inmate to arrange for suitable housing while participating in the program.

(c) Requires TDCJ, in consultation with interested parties, to identify at least two and not more than four sites, rather than to determine not more than four locations, in this state in which the pilot program will operate. Requires TDCJ, in identifying the sites, to consider locating the program in various regions throughout the state, including locations having a variety of population sizes, provided that TDCJ is required to select sites based on where the program will have the greatest likelihood of success and regardless of geographic region or population size.

(d)-(f) Makes conforming changes to these subsections.

(g) Makes no change to this subsection.

SECTION 4. Amends Subchapter E, Chapter 508, Government Code, by adding Section 508.1455, as follows:

Sec. 508.1455. EARLY RELEASE ON PAROLE FOR CERTAIN INMATES REQUIRED TO PARTICIPATE IN EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM. (a) Provides that Section 508.1455 applies only to an inmate:

(1) who is serving a sentence for an offense under Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, that is punishable as a felony of the third degree;

(2) who has not previously been convicted of a felony under Title 5 (Offenses Against the Person), Penal Code, or under Chapter 43 (Public Indecency) or 71 (Organized Crime) of that code; and

(3) whose eligibility for parole is computed under Section 508.145(f) (relating to an inmate's eligibility for release on parole when the inmate's actual calendar time served plus good conduct time equals one-fourth of the sentence imposed or 15 years, whichever is less).

(b) Authorizes a parole panel, notwithstanding any other law, to release on parole an inmate described by Subsection (a) approximately 180 days before the date the inmate would be eligible for release on parole under Section 508.145(f).

(c) Requires a parole panel releasing an inmate on parole under Section 508.1455 to require as a condition of release on parole that the inmate participate in a program operated under Section 493.034, to begin immediately following the inmate's release on parole.

(d) Requires TDCJ, for purpose of consideration by a parole panel for early release on parole under Subsection (b), to annually identify not fewer than 100 inmates described by Subsection (a) who are suitable candidates for participation in a program operated under Section 493.034. Requires the Texas Board of Pardons and Paroles (BPP) and TDCJ to jointly adopt rules for identifying inmates under this subsection. Requires that the rules require BPP or TDCJ to notify an inmate that the inmate is being considered for release on parole under this section.

(e) Requires BPP to adopt rules governing the release of an inmate on parole under this section.

(f) Requires an inmate who is considered for but not granted release on parole under this section to be considered for release on parole on the date that the inmate otherwise would have been considered for release on parole under Chapter 508 (Parole and Mandatory Supervision).

SECTION 5. Repealer: Article 42A.562(d) (relating to requiring the judge to credit against the time the defendant is required to serve time the defendant served in a county jail from the time of the defendant's arrest until sentencing), Code of Criminal Procedure.

SECTION 6. Provides that the change in law made by this Act applies to any inmate who is confined in a facility operated by or under contract with TDCJ on or after the effective date of this Act, regardless of whether the offense for which the inmate is confined occurred before, on, or after the effective date of this Act.

SECTION 7. Provides that TDCJ is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, TDCJ, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 8. Effective date: September 1, 2021.