

BILL ANALYSIS

C.S.H.B. 4044
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Reports indicate that defendants on probation are at a higher risk at reoffending within the first two years of their probation. As such, it has been suggested that more resources should be directed toward supervising these defendants during that period as well as toward revising existing funding structures for community supervision and corrections departments (CSCD) to effectively treat and rehabilitate such defendants. C.S.H.B. 4044 seeks to encourage more intensive programming early in the probation term through the creation of an alternative funding mechanism for CSCDs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Board of Criminal Justice in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 4044 amends the Government Code to change the felony defendants for whom an eligible community supervision and corrections department (CSCD) is entitled to receive per capita funding by specifying that such felony defendants are those who are supervised by the CSCD and placed on community supervision or participating in a pretrial diversion or intervention program. The bill clarifies that the 182-day limitation on per capita funding for defendants supervised by the CSCD other than a felony defendant is a limitation on per capita funding for each misdemeanor defendant who is supervised by the CSCD and placed on community supervision.

C.S.H.B. 4044 requires the community justice assistance division of the Texas Department of Criminal Justice (TDCJ) to establish annually a per capita funding formula to determine the percentage of the total amount provided in the General Appropriations Act for per diem payments for each misdemeanor and felony defendant who is supervised by a CSCD that each eligible CSCD is entitled to receive. The bill authorizes the Texas Board of Criminal Justice by rule to adopt a policy limiting for all CSCDs the percentage of benefit or loss that may be realized as a result of the operation of this formula. The bill requires the formula for a felony defendant who is placed on community supervision to include:

- a higher per capita funding rate for the supervision of a defendant during the earliest period of the defendant's supervision than the rate for the supervision of a defendant during a later period of the defendant's supervision term;
- provisions to decrease per capita funding for each defendant supervised by a CSCD who

has the defendant's supervision revoked due to a technical violation of a condition of supervision, as defined by the bill; and

- provisions to award additional per capita funding based on each defendant supervised by a CSCD who receives a discharge following an early termination of supervision.

C.S.H.B. 4044 requires the division, in implementing provisions relating to state aid for certain defendants supervised by a CSCD and related services, to seek to achieve certain specified goals regarding commitment reduction. The bill requires the division annually to submit a report to the governor, lieutenant governor, speaker of the house of representatives, and each member of the legislature on the division's efforts in achieving those goals, including the extent to which progress has been made toward meeting the goals. The bill requires the division to establish standards related to the use of state aid for pretrial diversion programs in accordance with the goals and authorizes the division to discontinue the payment of state aid to a recipient under those programs on the basis of a repeated failure to achieve those goals. These provisions expire September 1, 2023.

C.S.H.B. 4044 requires the division, not later than January 1, 2020, to establish the per capita funding formula that is to be used for the state fiscal year beginning September 1, 2020. The bill's provisions apply only to a payment based on an appropriation made for any state fiscal year beginning on or after that date.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4044 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the type of supervised felony defendant for whom the bill entitles a CSCD to per capita funding if the defendant is participating in certain pretrial activity from such a defendant participating in a pretrial service or intervention program to such a defendant participating in a pretrial diversion or intervention program.

The substitute includes temporary provisions, set to expire September 1, 2023:

- requiring the division to seek to achieve certain goals in implementing provisions relating to state aid for certain defendants supervised by a CSCD and related services;
- requiring the division to submit an annual report on the division's efforts in achieving those goals;
- requiring the division to establish standards relating to the use of state aid for pretrial diversion programs in accordance with those goals; and
- authorizing the division to discontinue the payment of state aid for those programs on the basis of a repeated failure to achieve those goals.