

**SUBJECT:** Contracts for probation programs, services instead of stand-alone CSCD

**COMMITTEE:** Corrections — favorable, without amendment

**VOTE:** 7 ayes — Madden, Allen, Cain, Marquez, Perry, White, Workman  
0 nays  
2 absent — Hunter, Parker

**WITNESSES:** For — Doots Dufour, Diocese of Austin; (*Registered, but did not testify:*  
Joshua Houston, Texas Impact)  
  
Against — None  
  
On — Carey Welebob, Texas Department of Criminal Justice –  
Community Justice Assistance Division

**BACKGROUND:** Under Government Code, sec. 76.002 (a)(1), the district judges trying criminal cases in each judicial district are required to establish a community supervisions and corrections (probation) department (CSCD). Sec. 76.002(e) allows the Texas Board of Criminal Justice to adopt rules allowing community supervision and corrections departments to contract with one another for services or facilities, and the board has done so.

**DIGEST:** HB 3691 would require, instead of allow, the Texas Board of Criminal Justice to adopt rules allowing community supervision and corrections departments to contract with one another for services or facilities. The bill would authorize probation programs and services to be provided in a judicial district through a contract with a community supervision and corrections department in another judicial district, in lieu of requiring each judicial district to establish a department.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

HB 3691 is needed to ensure that the current practice of obtaining probation services for three counties in the 394th Judicial district through a contract with a CSCD in a neighboring county can continue. While current law says that the Texas Board of Criminal Justice may adopt rules allowing one community supervision and corrections department to contract with another for services, the law also says that each judicial district shall establish a CSCD. A 1982 attorney general's opinion (MW-542) stated that each district is required to establish and maintain its own probation office. While no one has complained about the current situation, it would be best to clear up the confusion.

HB 3691 would do this by stating clearly that probation programs and services could be provided through a contract with a CSCD established for another judicial district, in lieu of establishing a stand-alone probation department. This would codify current practice and put to rest questions about the use of contracts with CSCDs for probation services. HB 3691 would deal only with contracts between two government entities. Requiring each district to create their own CSCD would increase costs and inefficiencies for districts that have found it beneficial to obtain probation services and programs through a contract with another CSCD.

**OPPONENTS  
SAY:**

No apparent opposition.