

BILL ANALYSIS

Senate Research Center
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S.B. 2340
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When managing the flow of offenders into and out of jail, Texas counties are responsible for ensuring public safety and minimizing the cost to taxpayers. S.B. 2340 permits counties to operate an electronic monitoring program, which can be used to increase the number of jail cells available for a community's most dangerous offenders while decreasing the cost to taxpayers.

As proposed, S.B. 2340 authorizes a county commissioners courts to establish and operate electronic monitoring programs and authorizes a court to require certain defendants to participate in such programs. The bill authorizes a commissioners court to contract with a private vendor to operate the electronic monitoring program and to subsidize all or part of the cost of an indigent defendant's participation in the program.

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 Article 42.035, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (e), as follows:

- (a) Authorizes a court to require a defendant to serve all or part of a sentence of confinement in county jail by participating in an electronic monitoring program rather than being confined in the county jail, if the program is operated by a community supervision and corrections department that serves the county in which the court is located and has been approved by the community justice assistance division of the Texas Department of Criminal Justice (TDCJ), or is operated by the commissioners court of the county, or by a private vendor under contract with the commissioners court, under Section 351.904, Local Government Code, if the defendant has not been placed on community supervision. Deletes existing text authorizing a court in a county served by a community supervision and corrections department that has an electronic monitoring program approved by the community justice assistance division of TDCJ to require a defendant to serve all or part of a sentence of confinement in county jail by submitting to electronic monitoring rather than being confined in the county jail.
- (e) Authorizes a court to revoke a defendant's participation in an electronic monitoring program and require the defendant to serve the remainder of the defendant's sentence of confinement in county jail if the defendant violates a condition imposed by a court under this article, including a condition requiring the defendant to pay for participating in the program under Subsection (c) (relating to the defendant being required to pay for participation in the house arrest program).

SECTION 2. Amends Article 43.09(e), Code of Criminal Procedure, to authorize a court in a county that operates an electronic monitoring program or contracts with a private vendor to operate an electronic monitoring program under Section 351.904, Local Government Code, or that is served by a community supervision and corrections department that operates, rather than has, an electronic monitoring program approved by the community justice assistance division of TDCJ, to require a defendant who is unable to pay a fine or costs to discharge all or part of the fine or costs by participating in the program, rather than submitting to electronic monitoring.

Provides that a defendant who participates in, rather than submits to, an electronic monitoring program under this subsection discharges fines and costs in the same manner as if the defendant were confined in county jail.

SECTION 3. Amends Subchapter Z, Chapter 351, Local Government Code, by adding Section 351.904, as follows:

Sec. 351.904. ELECTRONIC MONITORING PROGRAM. (a) Authorizes a commissioners court of a county to establish and operate an electronic monitoring program for the purpose of monitoring defendants required by a court of the county to participate in an electronic monitoring program under Article 43.09 (Fine Discharged), Code of Criminal Procedure, to discharge a fine or costs, or Article 42.035, Code of Criminal Procedure, as an alternative to serving all or part of a sentence of confinement in county jail.

(b) Requires the commissioners court to provide for the sheriff or the community supervision and corrections department serving the county, under an agreement with the commissioners court, to oversee and operate, or if the program is operated by a private vendor under Subsection (c), oversee the operation of, an electronic monitoring program established under this section.

(c) Authorizes a commissioners court to contract with a private vendor to operate an electronic monitoring program under this section, including by enrolling and tracking participants in the program and performing periodic reviews with participants regarding compliance with the program.

(d) Authorizes a commissioners court to use money that a defendant is ordered to pay to a county under Article 42.035(c), Code of Criminal Procedure, to pay for the services of a private vendor that operates an electronic monitoring program under Subsection (c).

(e) Authorizes a commissioners court to subsidize all or part of the cost of a defendant's participation in an electronic monitoring program under this section if the defendant is indigent.

SECTION 4. Make application of Article 42.035(e), Code of Criminal Procedure, as added by this Act, prospective.

SECTION 5. Effective date: upon passage or September 1, 2009.