

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1399  
By: Whitmire  
Criminal Justice  
4/19/2017  
Committee Report (Substituted)

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

S.B. 1399 amends Section 18 of the Code of Criminal Procedure, which authorizes community corrections and supervision departments to utilize their programs for defendants that a court orders to participate in a pre-trial diversion program established under Section 76.011, Government Code.

This section was last amended in the late 1990s to allow judges to order participants in a drug court program to receive treatment services and supervision by a community corrections department that the judges oversee.

This addition expands the continuum of treatment and supervision that a community corrections and supervision department may provide. It is permissive and a matter of local decisions by judges, the district attorney, and the director of the community supervision and corrections department. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1399 amends current law relating to confinement in a community corrections facility of a defendant participating in a pretrial intervention 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 42A.602(a), Code of Criminal Procedure, to prohibit a term of confinement, if a judge requires as a condition of community supervision or participation in certain programs, including a pretrial intervention program operated under Section 76.011 (Operation of Certain Services and Programs), Government Code, that the defendant serve a term of confinement in a community corrections facility, from exceeding 24 months.

SECTION 2. Amends Article 42A.604(a), Code of Criminal Procedure, to require the community supervision and corrections department director or program administrator to examine the evaluation of the defendant's behavior and attitude at the facility, make certain comments on the evaluation if relevant, and file the evaluation and comments with the judge who granted community supervision to the defendant or placed the defendant in a pretrial intervention or drug court program, rather than placed the defendant in a drug court program. Makes a nonsubstantive change.

SECTION 3. Amends Section 509.001(1), Government Code, to redefine "community corrections facility," to include a certain location for the purpose of treating persons who are participating in a pretrial intervention program operated under Section 76.011.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2017.