

SUBJECT: Fees for expenses related to pretrial intervention programs

COMMITTEE: Judiciary — committee substitute recommended

VOTE: 5 ayes — Hartnett, Alonzo, R. Cook, Goolsby, Hughes

0 nays

4 absent — Homer, Hopson, Gonzales, Krusee

WITNESSES: For — David Gonzales and Charles Mattingly, Cameron County District Attorney's Office; (*Registered, but did not testify*: Veronica deLafuente, Hidalgo County Commissioners Court)

Against — Michael Pichinson, Texas Conference of Urban Counties

BACKGROUND: Pretrial intervention programs are jointly run by prosecutors and probation offices. These programs provide classes and treatment that address causes of criminal behavior and reduce recidivism. The prosecutor's office conducts intake of suspects and researches their appropriateness for intervention programs. Suspects who successfully complete the program are not prosecuted. The intervention programs are administered by probation departments.

Under Government Code, sec. 103.021, a court that authorizes a suspect's participation in a pre-trial intervention program may order the suspect to pay a fee of \$60 per month for pretrial intervention programs. These funds are used by probation departments to run the programs.

DIGEST: CSHB 2385 would authorize prosecutors to collect a fee of up to \$500 to be used to reimburse a county for expenses, including expenses of the prosecutor's office, related to a defendant's participation in a pretrial intervention program. These fees would be deposited in a special fund to be used solely to administer the pretrial intervention program. Monies from the fund could be expended in accordance with a budget approved by the commissioner's court.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

CSHB 2385 would provide a source of dedicated funds available to prosecutors for pretrial intervention programs. Such programs divert low-risk offenders away from the court system and into treatment. They are established by local governments and are designed to meet local needs. They are joint projects of prosecutors and probation departments, but current law only provides funding in the form of fees to probation departments. Prosecutors face expenses in running these programs as well, and CSHB 2385 would address this by authorizing a fee of up to \$500 to offset these intake and research costs. The fee would be collected by prosecutors rather than a court because, at the time of diversion, the suspect would not yet have come before a court.

CSHB 2385 would not remove prosecutors from the oversight of county commissioners courts because the fees authorized by CSHB 2385 could be utilized only with authorization from the commissioners court.

**OPPONENTS
SAY:**

By allowing prosecutors to collect fees that could be used for only prosecutorial programs, CSHB 2385 would distance prosecutors from the oversight and control of the centralized county budget process. One of the basic purposes of a county commissioners court is to establish budgets and provide oversight of other county officials and departments, and this bill would undermine that function.

**OTHER
OPPONENTS
SAY:**

CSHB 2385 also should apply to county attorneys because many counties run pretrial intervention programs through the county attorney's office. County attorneys face the same overhead and administrative costs with pretrial intervention programs that district and criminal district attorneys face.