

SUBJECT: Requiring certain counties to pay TDCJ for some parolee placements

COMMITTEE: Corrections — favorable, without amendment

VOTE: 5 ayes — Madden, Hochberg, McReynolds, Haggerty, Jones
0 nays
2 absent — Dunnam, Oliveira

WITNESSES: For — Ana Yanez-Correa, Texas Criminal Justice Coalition; (*Registered, but did not testify*: Nicole Porter, American Civil Liberties Union of Texas)
Against — None

BACKGROUND: Government Code sec. 508.181 requires parole panels to require parolees being released from prison to reside in the county in which they lived at the time they committed their offense or the county in which the offense was committed if they were not a Texas resident at the time of the offense.

DIGEST: HB 3654 would, under certain circumstances, make the home county of parolees responsible for the cost of placing parolees in drug or alcohol treatment in facilities in counties other than the one in which they lived at the time they committed their offense or the county in which the offense was committed.

This requirement would apply if a parolee was required to participate in certain drug or alcohol treatment programs and there was no placement available in a halfway house, treatment facility or other facility in their home county and if, in the two years before the placement of the parolee, the Texas Department of Criminal Justice (TDCJ) had proposed operating or contracting to operate a halfway house, treatment center, or other facility in a parolees home county and a required hearing on the issue had been held. Under these circumstances, counties would be liable to TDCJ for the cost of placing the parolee in another county.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

HB 3654 would address the problem of some counties opposing offender treatment facilities, halfway houses, and other facilities, which results in certain offenders from those counties having to be paroled to other counties.

Currently some parolees being released from prison are required to participate in alcohol or drug abuse programs as a condition of their release, and under current law they must be released to their home counties. However, some counties may have actively opposed the establishment of these treatment facilities, meaning that parolees from that county are sent to other counties. This can be very costly for the state when offenders who have been approved for release on parole must be kept in prison because treatment facilities in their home counties are filled with parolees from other counties.

While TDCJ pays the cost of placing the offender in either county, it is unfair for some communities to carry the burden for other communities that do not accept the facilities and unfair for the state to bear the cost of housing offenders approved for parole who cannot be released to their home county. HB 3654 would help address this issue by requiring counties that oppose these facilities to, at the least, assume the financial responsibility for offenders who reside in those counties.

HB 3654 would not require any county to accept halfway houses or treatment facilities or hurt counties in which a facility was never proposed. Only those with a proposed facility that was not completed could be penalized.

**OPPONENTS
SAY:**

HB 3654 could penalize a county that did not oppose the location of a facility or one that opposed a particular facility but not all facilities. The penalty would be applied if TDCJ had proposed a facility and a hearing on the issue had been held.

This scenario could occur for reasons other than county opposition to a particular facility or to all facilities. Counties might not be responsible for grassroots or local entities' opposition that resulted in a facility not being built in that county.