

## **BILL ANALYSIS**

Senate Research Center  
82R12078 MAW-D

S.B. 1583  
By: Ogden  
Finance  
4/18/2011  
As Filed

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

Article 1 of this bill authorizes state agencies to reduce or recover expenditures by taking action to consolidate reports, extend license, permit or registration periods, enter into contracts to carry out an agency's duties, adopt additional eligibility requirements for benefits, provide for electronic communication, and adopt and collect fees or charges to recover costs incurred by an agency.

Article 2 of the bill implements recommendations in the report "Improve the Effectiveness of Motor Vehicle Theft Prevention Programs in Texas" in the Legislative Budget Board's (LBB) *Government Effectiveness and Efficiency Report* (GEER) submitted to the 82nd Legislature, 2011. The bill would amend Article 4413 of Vernon's Texas Civil Statutes to require the Automobile Burglary and Theft Prevention Authority (ABTPA) to develop and use standard performance measures for each category of grants it provides. ABTPA would be required to ensure that grants are used to help increase the recovery rate of stolen motor vehicles, clearance rate of motor vehicle burglaries and thefts, and the number of persons arrested for motor vehicle burglary and theft. The bill would require ABTPA to allocate grant funds primarily based on the number of motor vehicles stolen in or motor vehicle burglary or theft rate across the state and to biennially update a plan of operation and provide it to the Legislature.

The bill authorizes the Department of Public Safety (DPS) to administer, rather than require, a statewide motor vehicle registration program. DPS would be required to collect data regarding theft rates and types of motor vehicles enrolled in the program, the recovery rate for stolen motor vehicles enrolled in the program, and the clearance rate of burglaries and thefts of motor vehicles enrolled in the program.

Section 3.01 of the bill expands the Commission on Jails Standards (TCJS) fee collection to include any re-inspection that is required by state law or TCJS rules or is requested by the operator of the jail.

Section 3.02 of the bill repeals Sections 511.091(b) and (c) of the Government Code to remove language that limits TCJS's fee collection authority to certain jails.

Section 4.01 of the bill implements a recommendation in the report, "Establish A Supervised Reentry Program to Reduce Costs and Improve Efficiencies" in the LBB's GEER report submitted to the 82nd Legislature, 2011. This section amends the Texas Government Code and requires the Board of Pardons and Parole (parole board) to release offenders who would otherwise serve their entire sentence to be reintroduced into society through a supervised reentry program. Offenders who are eligible for release on parole or mandatory supervision would be eligible for this program. The Texas Department of Criminal Justice (TDCJ) and the parole board would be required to work together to define the requirements of the supervised reentry program. Such a program would require a parole panel to order the release of an offender to the supervised reentry program either one year before the date on which the offender would discharge his sentence, or the date on which the offender would have served 90 percent of his sentence, whichever is later. The offender's release date would be determined by the actual calendar time the offender served, without consideration of good conduct time.

Section 4.02 of the bill amends the Government Code to delete the statutory requirement that the Department of Criminal Justice Community Justice Assistance Division pay per diem rates for misdemeanor offenders supervised by community supervision and corrections departments.

Section 4.03 of the bill repeals Section 8, Article 42.12, of the Code of Criminal Procedure and Section 499.052 of the Government Code to abolish state boot camps.

Section 4.04 of the bill adds a section to the Government Code to prohibit a judge from recommending a person for a state boot camp and dictates that an offender would remain a participant in a state boot camp only until the convicting court suspends further execution of the sentence and reassumes custody of the offender, or until TDCJ transfers the offender to another unit.

Article V of the bill repeals Section 5.56 of the Alcoholic Beverage Code, eliminating a recurring transfer of \$250,000 per fiscal year from the Texas Alcoholic Beverage Commission to the Texas Department of Agriculture for the Wine Marketing Assistance Program.

As proposed, S.B. 1583 amends current law relating to state fiscal matters related to law enforcement and criminal justice.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

#### ARTICLE 1. REDUCTION OF EXPENDITURES AND IMPOSITION OF CHARGES GENERALLY

SECTION 1.01. Provides that this article applies to any state agency that receives an appropriation under Article V of the General Appropriations Act.

SECTION 1.02. Provides that, notwithstanding any other statute of this state, each state agency to which this article applies is authorized to reduce or recover expenditures by:

- (1) consolidating any reports or publications the agency is required to make and filing or delivering any of those reports or publications exclusively by electronic means;
- (2) extending the effective period of any license, permit, or registration the agency grants or administers;
- (3) entering into a contract with another governmental entity or with a private vendor to carry out any of the agency's duties;
- (4) adopting additional eligibility requirements for persons who receive benefits under any law the agency administers to ensure that those benefits are received by the most deserving persons consistent with the purposes for which the benefits are provided;
- (5) providing that any communication between the agency and another person and any document required to be delivered to or by the agency, including any application, notice, billing statement, receipt, or certificate, may be made or delivered by e-mail or through the Internet; and
- (6) adopting and collecting fees or charges to cover any costs the agency incurs in performing its lawful functions.

#### ARTICLE 2. FISCAL MATTERS REGARDING THEFT PREVENTION

SECTION 2.01. Amends Section 6, Article 4413(37), Revised Statutes, by adding Subsections (j) and (k), as follows:

(j) Requires the Automobile Burglary and Theft Prevention Authority (authority) to:

(1) develop and use standard performance measures for each category of grants provided by the authority in order to assess grantee success in achieving the purposes of this article; and

(2) ensure that grants are used to help increase the recovery rate of stolen motor vehicles, the clearance rate of motor vehicle burglaries and thefts, and the number of persons arrested for motor vehicle burglary and theft.

(k) Requires the authority to allocate grant funds primarily based on the number of motor vehicles stolen in, or the motor vehicle burglary or theft rate across, the state rather than based on geographic distribution.

SECTION 2.02. Amends Section 7(a), Article 4413(37), Revised Statutes, to require that the authority's plan of operation be updated biennially and filed with the legislature on or before December 1 of each even-numbered year.

SECTION 2.03. Amends Section 9(a), Article 4413(37), Revised Statutes, as follows:

(a) Authorizes the Department of Public Safety of the State of Texas (DPS) to administer, rather than requires the authority to develop, a statewide motor vehicle registration program. Provides that this section applies only if DPS administers the program. Makes a nonsubstantive change.

SECTION 2.04. Amends Section 9, Article 4413(37), Revised Statutes, by adding Subsection (h) to require DPS to collect data regarding theft rates and types of motor vehicles enrolled in the program, the recovery rate for stolen motor vehicles enrolled in the program, and the clearance rate of burglaries and thefts of motor vehicles enrolled in the program.

SECTION 2.05. Provides that Sections 6(j) and (k), Article 4413(37), Revised Statutes, as added by this article, apply only in relation to a grant for which the notice of funds availability or of funding opportunity is made public on or after the effective date of this article.

### ARTICLE 3. FISCAL MATTERS REGARDING MUNICIPAL AND COUNTY JAILS

SECTION 3.01. Amends Section 511.0091(c-1), Government Code, as follows:

(c-1) Authorizes the Texas Commission on Jail Standards (TCJS), in addition to the other fees authorized by this section, to set and collect a reasonable fee to cover the cost of TCJS performing any reinspection of a municipal or county jail described by Subsection (a) (relating to fees to cover the cost of certain services) that is:

(1) required under the laws of this state or TCJS rules; or

(2) in response to a request by the operator of the jail for an inspection.

Deletes existing text authorizing TCJS, in addition to the other fees authorized by this section, to set and collect a reasonable fee to cover the cost of performing any reinspection of a municipal or county jail described by Subsection (a) that is conducted by TCJS following a determination by TCJS that the jail is not in compliance with minimum standards, and in response to a request by the operator of the jail for inspection.

SECTION 3.02. Repealers: Sections 511.0091(b) (relating to a fee for the review of and comment on certain construction documents) and (c) (relating to a fee for an inspection under certain circumstances), Government Code.

SECTION 3.03. Makes application of Section 511.0091 (Fees; Inspection Account), Government Code, as amended by this article prospective, to an inspection or reinspection conducted on or after the effective date of this article.

ARTICLE 4. FISCAL MATTERS REGARDING PERSONS CONFINED OR SUPERVISED AFTER CONVICTION OF A CRIMINAL OFFENSE

SECTION 4.01. Amends Subchapter E, Chapter 508, Government Code, by adding Section 508.1491, as follows:

Sec. 508.1491. SUPERVISED REENTRY PROGRAM. (a) Provides that this section applies to an inmate who is eligible for release on parole but who has not been released on parole or to mandatory supervision under this chapter before the date described by Subsection (b).

(b) Requires a parole panel to order the release of an inmate to the supervised reentry program described by Subsection (c) on the later of the following dates, as determined by the actual calendar time the inmate has served, without consideration of good conduct time:

(1) one year before the date on which the inmate will discharge the inmate's sentence; or

(2) the date on which the inmate will have served 90 percent of the inmate's sentence.

(c) Requires the Texas Department of Criminal Justice (TDCJ), before an inmate is released under Subsection (b), to make arrangements for the inmate's supervised reentry into the community. Requires that the inmate's supervised reentry program:

(1) provide the inmate with skills necessary to ensure the successful reentry of the inmate into the community, including providing the inmate with appropriate substance abuse treatment, counseling, and other social service programs; and

(2) be coordinated with any programs in which the inmate is or will be participating or services the inmate is or will be receiving through the comprehensive reentry and reintegration plan under Section 501.092 (Comprehensive Reentry and Reintegration Plan for Offenders), the reentry program for long-term inmates under Section 501.096 (Reentry Program for Long-Term Inmates), or the reintegration services provided under Section 501.097 (Reintegration Services).

(d) Requires a parole panel releasing an inmate under Subsection (b) to impose conditions that require the inmate to participate fully in all treatment and counseling programs provided by TDCJ and authorizes the parole panel to impose any other conditions determined by the panel to be appropriate. Provides that an inmate who fails to comply with a condition imposed under this subsection is subject to revocation or other sanctions in the same manner and under the same procedures as an inmate who fails to comply with conditions of parole or mandatory supervision.

(e) Provides that the period of supervised reentry is computed by subtracting from the term for which the inmate was sentenced the calendar time served on the sentence. Provides that the time served on supervised reentry is computed as calendar time.

(f) Provides that if an inmate's participation in the supervised reentry program is revoked, the remaining portion of the inmate's sentence is computed with credit for any time the inmate served in the program.

SECTION 4.02. Amends Sections 509.011(a) and (e), Government Code, as follows:

(a) Requires the community justice assistance division (division), if the division determines that a community supervision and corrections department (department) complies with division standards and if the community justice council has submitted a community justice plan under Section 76.003 (Community Justice Council) and the supporting information required by the division and the division determines the plan and supporting information are acceptable, to prepare and submit to the comptroller of public accounts (comptroller) vouchers for payment to the department as follows:

(1) for per capita funding, a per diem amount for each felony defendant directly supervised by the department pursuant to lawful authority; and

(2) for formula funding, an annual amount as computed by multiplying a percentage determined by the allocation formula established under Subsection (f) (relating to a formula used for determining distribution of certain funds) times the total amount provided in the General Appropriations Act for payments under this subdivision.

Deletes existing Subdivision (2) requiring the division to prepare and submit to the comptroller vouchers for payment to the department for per capita funding, a per diem amount for a period not to exceed 182 days for each defendant supervised by the department pursuant to lawful authority, other than a felony defendant. Deletes existing Subdivision (3) designation. Makes a nonsubstantive change.

(e) Requires the division, in establishing per diem payments authorized by Subsection (a)(1), rather than Subsections (a)(1) and (a)(2), to consider the amounts appropriated in the General Appropriations Act for basic supervision as sufficient to provide basic supervision in each year of the fiscal biennium.

SECTION 4.03. Repealers: (1) Section 8 (relating to placing certain persons on community supervision), Article 42.12, Code of Criminal Procedure; and

(2) Section 499.052 (State Boot Camp Program), Government Code.

SECTION 4.04. (a) Provides that on and after the effective date of this article:

(1) a judge is prohibited from recommending a person for placement in the state boot camp program under Section 499.052, Government Code; and

(2) a participant in the state boot camp program remains a participant in the program only until the later of the following dates:

(A) the date on which the convicting court suspends further execution of the sentence and reassumes custody of the person; or

(B) the date on which TDCJ transfers the person to another unit in the department.

(b) Provides that Section 8, Article 42.12, Code of Criminal Procedure, and Section 499.052, Government Code, repealed by this article, are continued in effect for the limited purpose of the orderly abolition of the state boot camp program created by those provisions.

(c) Provides that Section 508.1491, Government Code, as added by this article, applies to any inmate serving a term of imprisonment in TDCJ on or after the effective date of this article, regardless of when the inmate was sentenced to serve that term.

(d) Provides that Sections 509.011(a) and (e), Government Code, as amended by this article, apply to appropriations made for any state fiscal year beginning on or after September 1, 2011.

ARTICLE 5. FISCAL MATTERS REGARDING ALCOHOLIC  
BEVERAGE REGULATION

SECTION 5.01. Repealer: Section 5.56 (Funding of Texas Wine Marketing Assistance Program), Alcoholic Beverage Code.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Effective date: September 1, 2011.