

## **BILL ANALYSIS**

Senate Research Center  
82R7697 KCR-F

S.B. 880  
By: Whitmire  
Criminal Justice  
4/8/2011  
As Filed

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

S.B. 880 clarifies the scope of administrative and supervisory service a community supervision and corrections department (CSCD) may provide to the courts it serves.

It also equalizes the fee that may be charged with the current monthly supervisory fee for person on deferred adjudication and regular probation, and makes conforming amendments to the statutory fee schedule in the Government Code.

This bill authorizes CSCDs to operate pretrial intervention programs. This bill authorizes CSCDs to supervise persons released on bail that require specific instructions for drug testing, substance abuse assessment, or the installation of vehicle alcohol detection services. This bill authorizes CSCDs to supervise a person subject to specific court orders, such as court authorized occupational driver license and installation of vehicle alcohol detection services.

This bill ensures that individuals who plea to a straight jail sentence do not slip through the cracks and escape without the appropriate intervention strategies in alcohol or substance abuse related crimes required to protect public safety.

This bill clarifies the statutes and provides specific authority for the operation by a CSCD of these noted programs.

As proposed, S.B. 880 amends current law relating to the operation of pretrial intervention and certain other programs by a community supervision and corrections department.

### **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 Section 76.011, Government Code, as follows:

Sec. 76.011. New heading: OPERATION OF CERTAIN SERVICES AND PROGRAMS. (a) Authorizes a community supervision and corrections department (CSCD) to operate programs for:

- (1) the supervision and rehabilitation of persons in pretrial intervention programs;
- (2) the supervision of persons released on bail under Chapter 11 (Habeas Corpus), Code of Criminal Procedure; Chapter 17 (Bail), Code of Criminal Procedure, Article 44.04 (Bond Pending Appeal), Code of Criminal Procedure, or any other law;
- (3) the supervision of a person subject to, or the verification of compliance with, a court order issued under:

(A) Article 17.441 (Conditions for Requiring Motor Vehicle Ignition Interlock), Code of Criminal Procedure, requiring a person to install a deep-lung breath analysis mechanism on each vehicle owned or operated by the person;

(B) Chapter 469 (Drug Court Programs), Health and Safety Code, issuing an occupational driver's license;

(C) Section 49.09(h) (relating to the court ordering installation of deep-lung breath analysis mechanisms under certain conditions), Penal Code, requiring a person to install a deep-lung breath analysis mechanism on each vehicle owned or operated by the person; or

(D) Subchapter L (Occupational License), Chapter 521, Transportation Code, granting a person an occupational driver's license; and

(4) the supervision of a person not otherwise described by Subdivision (1), (2), or (3), if a court orders the person to submit to the supervision of, or to receive services from, the CSCD. Makes nonsubstantive changes.

(b) Authorizes programs operated by the CSCD under Subsection (a), except as otherwise provided by this subsection, to include reasonable conditions related to the purpose of the program including testing for controlled substances, rather than authorizes programs to include testing for controlled substances.

(c) Creates this subsection from existing text. Provides that a person in a pretrial intervention program operated by the CSCD under Subsection (a) may be supervised for a period not to exceed two years.

(d) Redesignates existing Subsection (b) as Subsection (d). Authorizes the CSCD to use money deposited in the special fund of the county treasury for the CSCD under Article 103.004(d) (relating to requiring the custodian of the county to deposit money in the special fund of the county treasury), Code of Criminal Procedure, rather than Article 103.004(b) (relating to authorizing the commissioners court to authorize an officer to deposit money in the county treasury), only for the same purposes for which state aid may be used under this chapter.

SECTION 2. Amends Section 76.015(c), Government Code, as follows:

(c) Authorizes a CSCD to assess a reasonable administrative fee of not less than \$25 and not more than \$60, rather than \$40, per month on an individual who participates in a program operated by CSCD or receives services from CSCD and who is not paying a monthly fee under Section 19 (Fees), Article 42.12, Code of Criminal Procedure. Makes nonsubstantive changes.

SECTION 3. Amends Section 103.0211, Government Code, as follows:

Sec. 103.0211. **ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: GOVERNMENT CODE.** Requires an accused or defendant, or a party to a civil suit, as applicable, to pay certain fees and costs under the Government Code if ordered by the court or otherwise required, including an administrative fee for participation in certain community supervision programs (Sec. 76.105, Government Code) of not less than \$25 and not more than \$60, rather than \$40, per month.

SECTION 4. (a) Provides that Section 76.015(c), Government Code, as amended by this Act, applies to a person who participates in a program operated by, or receives services from, a CSCD

in any month the first day of which occurs on or after the effective date of this Act, regardless of when the person first participated in a program operated by, or received services from, a CSCD.

(b) Provides that Section 51.607(c) (relating to changes in court costs and fees not taking effect until the next January 1 after the law takes effect), Government Code, does not apply to the change in the amount of a fee imposed under Section 76.015(c), Government Code, as amended by this Act.

SECTION 5. Effective date: September 1, 2011.