

BILL ANALYSIS

Senate Research Center

C.S.S.B. 368
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a sentencing court, as authorized by Section 42.035 (Electronic Monitoring; House Arrest) of the Code of Criminal Procedure, can order a person sentenced to a jail term to serve that sentence on an electronic monitoring program operated by an agency within the county.

C.S.S.B. 368 amends Chapter 42 (Judgment and Sentence), Code of Criminal Procedure, by adding Article 42.0321 (Release by Sheriff to House Arrest or Electronic Monitoring) to authorize a county sheriff to operate an electronic monitoring program or house arrest program for inmates serving a term of confinement in the county jail, with the sheriff selecting those inmates. This authority is similar to the authority granted a sheriff to grant good time days to an inmate.

This authority will enhance the ability of a sheriff to have inmates on electronic monitoring, which will result in a more effective use of county jail facilities. As in all such electronic monitoring programs, the sheriff is authorized to return the participant to jail for violation of conditions and to utilize commissary proceeds to operate the program.

C.S.S.B. 368 amends current law relating to the release by a sheriff of certain defendants to an electronic monitoring or house arrest 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 Chapter 42, Code of Criminal Procedure, by adding Article 42.0321, as follows:

Art. 42.0321. RELEASE BY SHERIFF TO HOUSE ARREST OR ELECTRONIC MONITORING. (a) Authorizes a sheriff, notwithstanding Article 42.035 (Electronic Monitoring; House Arrest), if the sheriff determines that it is in the best interest of a defendant and the public, to require a defendant who is serving a sentence of confinement in the county jail to serve all or part of the sentence in an electronic monitoring program or under house arrest, rather than being confined in the county jail. Authorizes the sheriff to require a defendant released to house arrest to also be electronically monitored.

(b) Provides that a defendant who participates in an electronic monitoring or house arrest program under this article:

(1) discharges a sentence of confinement in the same manner as if the defendant were confined in a county jail; and

(2) is responsible for payment to a county for the reasonable costs incurred by the county because of the defendant's participation in the program.

(c) Authorizes a sheriff to impose reasonable conditions on a defendant who participates in an electric monitoring or house arrest program.

(d) Authorizes a sheriff to revoke a defendant's participation in an electronic monitoring or house arrest program and require the defendant to serve the remainder of the defendant's sentence of confinement in the county jail if the sheriff is unable to monitor the defendant due to a failure in the electronic monitoring device, the defendant violates a condition imposed by the sheriff, or the defendant fails to pay for participating in the program as required by Subsection (b)(2).

SECTION 2. Amends Section 351.0415(c), Local Government Code, to authorize the sheriff or the sheriff's designee to use commissary proceeds only for certain purposes, including to fund, staff, and equip a program addressing the social needs of the inmates, including an educational or recreational program, religious or rehabilitative counseling, or an electronic monitoring or house arrest program operated under Article 42.0321, Code of Criminal Procedure.

SECTION 3. Amends Sections 351.904(a) and (d), Local Government Code, as follows:

(a) Authorizes a commissioners court of a county to establish and operate an electronic monitoring program for the purpose of monitoring defendants required to participate in an electronic monitoring program under Article 43.09 (Fine Discharged), Code of Criminal Procedure, to discharge a fine or costs or Article 42.0321 or 42.035, Code of Criminal Procedure, as an alternative to serving all or part of a sentence of confinement in county jail. Deletes existing text authorizing a commissioners court of a county to establish and operate an electronic monitoring program for the purpose of monitoring defendants required by a court of the county to participate in an electronic monitoring program under certain articles.

(d) Authorizes a commissioners court to use money that a defendant is ordered to pay to a county under Article 42.0321(b)(2) or 42.035(c) (relating to the requirement that the defendant pay any reasonable costs incurred because of house arrest program participation), Code of Criminal Procedure, to pay for the services of a private vendor that operates an electronic monitoring program under Subsection (c) (authorizing a commissioners court to contract with a private vendor to operate an electronic monitoring program).

SECTION 4. Effective date: upon passage or September 1, 2013.