

BILL ANALYSIS

Senate Research Center

H.B. 1546
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Criminal Justice
5/1/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2649, 82nd Legislature, Regular Session, 2011, created an opportunity for individuals in state jails to earn time toward early release by allowing them to receive diligent participation credit for every day they participate in educational, vocational, treatment, or work programs. Currently, the Texas Department of Criminal Justice (TDCJ) records participation, sends a report to the judge of the sentencing court, and waits for the judge to issue an order for early release. Inmates are only eligible for program credits until the 30th day before they have completed 80 percent of their sentences. However, the system for approving the credit limits the effectiveness of the program. The responsibilities split between TDCJ and judges are complex and inefficient, and judges are not currently required to respond to applications for credit. While 73 percent of credit applications that receive a response from the judge are granted, 56 percent of the applications never receive a response.

H.B. 1546 streamlines the process involved in awarding diligent participation credits to those participating in education, vocational, treatment, or work programs in state jails by authorizing TDCJ to automatically grant credits in certain circumstances. Doing so will allow credit to be applied as soon as it is earned, which will provide an ongoing incentive to participate in rehabilitative programs throughout the duration of the sentence while allowing the state to conserve judicial resources.

H.B. 1546 amends current law relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

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 Sections 15(h)(5) and (6), Article 42.12, Code of Criminal Procedure, as follows:

(5) Deletes existing text providing that the contents of a report submitted under this subdivision are not subject to challenge by a defendant.

(6) Requires the Texas Department of Criminal Justice, if the judge does not take action under this subdivision on or before the 30th day after the date the judge receives the report, to credit against any time a defendant is required to serve in a state jail felony facility additional time for each day the defendant actually served in the facility while diligently participating in an educational, vocational, treatment, or work program. Prohibits a time credit under this subdivision from exceeding one-fifth of the defendant's original sentence, rather than of the amount of time the defendant is originally required to serve in the facility. Prohibits a defendant from being awarded a credit under this subdivision for any period during which the defendant is subject to disciplinary status, rather than to disciplinary action. Makes no further change to this subdivision.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.