

BILL ANALYSIS

Senate Research Center

S.B. 1584
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Jail diversion initiatives, like community supervision (a.k.a. probation), redirect individuals away from jails as soon as possible, or at least significantly reduce time spent in a correctional facility. Community supervision is a critical alternative to incarceration, where people can access community-based services while being held accountable for meeting strict requirements. Rigorous supervision can ensure people adhere to treatment regimens and housing and employment requirements. Thus, playing an important role in reducing human suffering and containing costs, community supervision programs ensure to divert individuals away from correctional facilities into more cost-effective and clinically appropriate community-based services—keeping individuals in their homes and communities and out of the jails and prisons.

However, it is critical that community supervision departments have the ability and resources to provide individuals with support services and structure to address the root causes of their criminal behavior. Services for successful diversion include mental health and/or substance abuse treatment, education assistance, job training and placement, housing assistance, and other life skills training. Validated risk assessments promote public safety and improve rehabilitative outcomes for people on community supervision, which goes beyond measuring the risk of reoffending, and helps probation departments to identify and address the specific factors that might lead to further involvement with the criminal justice system.

The majority of community supervision placements are for drug-related offenses, yet the conditions of community supervision often place unrealistic demands on people who are battling addiction and mental illness. It is not surprising, therefore, that the majority of individuals revoked to state jail or prison are those convicted of drug possession.

Furthermore, current state law allows a presiding judge to establish certain conditions of community supervision such as to require the individual to pay fees and fines associated with the offense and court proceeding. Such costs can be exceptionally difficult for low-income individuals to succeed on community supervision. Individuals involved with the criminal justice system often face barriers to employment and housing due to their offense and/or conviction, which creates a downward cyclical effect that can lead to the individuals on community supervision not being able to pay the required fees; thus, returning to jail and/or prison.

S.B. 1584 seeks to ensure that community supervision is more thoughtful and meaningful for each defendant. The bill make four changes to the Code of Criminal Procedure:

- First, the bill requires a judge to consider the results of a risk and needs assessment when determining the conditions of community supervision.
- Second, it requires that the community supervision departments use validated assessment tools.
- Third, the bill requires that conditions imposed are not duplicative.
- Lastly, the judge must consider the defendant's ability to satisfy these conditions in conjunction with their work, education, community service, and financial obligations.

Services for successful diversion include mental health and/or substance abuse treatment, education assistance, job training and placement, housing assistance, and other life skills training. This bill enables judges to create a comprehensive strategy to give the defendant the best opportunity for success. (Original Author's / Sponsor's Statement of Intent)

S.B. 1584 amends current law relating to the conditions of community supervision.

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 Article 42A.301, Code of Criminal Procedure, as follows:

Art. 42A.301. BASIC DISCRETIONARY CONDITIONS. (a) Creates this subsection from existing text. Requires the judge of the court having jurisdiction of the case to determine the conditions of community supervision based on the results of a risk and needs assessment conducted with respect to the defendant, rather than requiring the judge of the court having jurisdiction of the case to determine the conditions of community supervision. Requires that the assessment be conducted using an instrument that is validated for the purpose of assessing the risks and needs of a defendant placed on community supervision. Authorizes the judge to impose any reasonable condition that is not duplicative of another condition and that is designed to protect or restore the community, protect or restore the victim, or punish, rehabilitate, or reform the defendant. Requires the judge, in determining the conditions, to consider the extent to which the conditions impact the defendant's:

- (1) work, education, and community service schedule or obligations; and
- (2) ability to meet financial obligations.

(b) Creates this subsection from existing text. Makes no further changes to this subsection.

(c) Requires the judge, before the judge may require as a condition of community supervision that the defendant receive treatment in a state-funded substance abuse treatment program, including an inpatient or outpatient program, a substance abuse felony program under Article 42A.303 (Substance Abuse Felony Program), or a program provided to the defendant while confined in a community corrections facility as defined by Article 42A.601 (Definition), to consider the results of an evaluation conducted to determine the appropriate type and level of treatment necessary to address the defendant's alcohol or drug dependency.

SECTION 2. Provides that the change in law made by this Act applies to a defendant placed on community supervision on or after the effective date of this Act, regardless of whether the offense for which the defendant was placed on community supervision was committed before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2017.