

BILL ANALYSIS

C.S.H.B. 3130
By: Parker
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that individuals reentering the community from prison or jail face significant challenges in finding stable employment, which increases the likelihood that these individuals will reoffend and return to confinement. C.S.H.B. 3130 seeks to address this issue by establishing a pilot program to provide educational and vocational training, employment, and reentry services to certain defendants.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3130 amends the Code of Criminal Procedure to authorize a judge assessing punishment in a state jail felony case to suspend the imposition of the sentence and place the defendant on community supervision with the conditions that the defendant submit at the beginning of the term of community supervision to confinement in a state jail felony facility for a term not to exceed 90 days and participate in an educational and vocational training pilot program established under the bill's provisions. The bill prohibits a judge from placing a defendant on community supervision under the bill's provisions if the defendant is or has previously been convicted of an offense against the person. The bill requires a defendant to be assessed using the risk and needs assessment instrument or a similar instrument that takes into consideration the defendant's prior criminal history before a judge may place the defendant on community supervision under the bill's provisions. The bill requires the judge to credit against the period of confinement the defendant is required to serve time the defendant served in a county jail from the time of the defendant's arrest until sentencing. The bill requires a judge placing a defendant on community supervision under the bill's provisions to impose a period of community supervision not to exceed 270 days. The bill requires a defendant placed on community supervision under the bill's provisions to participate fully in the educational and vocational training pilot program and makes certain statutory provisions authorizing the judge to revoke a defendant's community supervision or otherwise sanction a defendant applicable with respect to a defendant who violates that requirement. The bill makes these bill provisions applicable only to a defendant who receives a sentence of confinement in a state jail on or after September 1, 2019.

C.S.H.B. 3130 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ), not later than September 1, 2019, to establish a pilot program to provide

educational and vocational training, employment, and reentry services to defendants placed on community supervision and required to serve a term of confinement in a state jail felony facility under the bill's provisions. The bill requires TDCJ, in consultation with interested parties, to determine the eligibility criteria for a defendant to participate in the pilot program, including requiring the defendant to arrange for suitable housing while participating in the program, and to determine not more than four locations in Texas in which the pilot program will operate. The bill requires TDCJ, in determining the locations, to consider locating the program in various regions throughout Texas, including locations having a variety of population sizes. The bill requires TDCJ to also give consideration to whether a risk and needs assessment is generally conducted before sentencing defendants in a particular location and to the degree to which local judges show support for the establishment of the program in a particular location. The bill requires TDCJ to issue a request for proposals from public or private entities to provide services through the pilot program and to select one or more qualified applicants to provide such services to eligible defendants. The bill establishes that the pilot program consists of approximately 180 days of employment-related services and support and sets out the required contents of the program. The bill requires TDCJ to limit the number of defendants who may participate in the program to not more than 45 defendants per quarter per program location and requires TDCJ to pay providers not less than \$40 per day for each participant.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3130 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter L, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.562 to read as follows:
Art. 42A.562. PLACEMENT ON COMMUNITY SUPERVISION; EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM. (a)

A judge assessing punishment in a state jail felony case may suspend the imposition of the sentence and place the defendant on community supervision with the conditions that the defendant:

- (1) submit at the beginning of the term of community supervision to confinement in a state jail felony facility for a term of 90 days; and
- (2) participate in a program operated under Section 507.007, Government Code.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter L, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.562 to read as follows:
Art. 42A.562. PLACEMENT ON COMMUNITY SUPERVISION; EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM. (a)

Except as provided by Subsection (b), a judge assessing punishment in a state jail felony case may suspend the imposition of the sentence and place the defendant on community supervision with the conditions that the defendant:

- (1) submit at the beginning of the term of community supervision to confinement in a state jail felony facility for a term not to exceed 90 days; and
- (2) participate in a program operated under Section 507.007, Government Code.
- (b) A judge may not place a defendant on community supervision under this article if the defendant is or has previously been convicted of an offense under Title 5, Penal Code.

(b) Notwithstanding Article 42A.559(c), the judge shall credit against the time the defendant is required to serve under Subsection (a)(1) time the defendant served in a county jail from the time of the defendant's arrest until sentencing.

(c) Notwithstanding the minimum period of community supervision provided by Article 42A.553(a), a judge placing a defendant on community supervision under this article shall impose a period of community supervision of 270 days.

(d) After receiving a notification from the Texas Department of Criminal Justice under Section 507.008, Government Code, that the department has determined that a defendant confined as required by Subsection (a)(1) is not eligible to participate in the program described by Subsection (a)(2), the judge shall:

(1) modify the defendant's conditions to remove the defendant's scheduled participation in the program; or

(2) file a statement of the judge's reasons for not modifying the condition as described by Subdivision (1) with the papers in the case.

SECTION 2. Subchapter A, Chapter 507, Government Code, is amended by adding Sections 507.007 and 507.008 to read as follows:

Sec. 507.007. EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM. (a) The department shall establish a pilot program to provide

(c) Before a judge may place a defendant on community supervision under this article, the defendant must be assessed using the risk and needs assessment instrument adopted under Section 501.0921, Government Code, or a similar instrument that takes into consideration the defendant's prior criminal history.

(d) Notwithstanding Article 42A.559(c), the judge shall credit against the time the defendant is required to serve under Subsection (a)(1) time the defendant served in a county jail from the time of the defendant's arrest until sentencing.

(e) Notwithstanding the minimum period of community supervision provided by Article 42A.553(a), a judge placing a defendant on community supervision under this article shall impose a period of community supervision not to exceed 270 days.

(f) A defendant placed on community supervision under this article must participate fully in the program described by Subsection (a)(2). The provisions of Subchapter P authorizing the judge to revoke a defendant's community supervision or otherwise sanction the defendant apply with respect to a defendant who violates the requirement of this subsection.

SECTION 2. Subchapter A, Chapter 507, Government Code, is amended by adding Section 507.007 to read as follows:

Sec. 507.007. EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM. (a) The department shall establish a pilot program to provide

educational and vocational training, employment, and reentry services to defendants placed on community supervision and required to serve a term of confinement in a state jail felony facility under Article 42A.562, Code of Criminal Procedure.

(b) The department, in consultation with interested parties, shall determine the eligibility criteria for a defendant to participate in the pilot program, including requiring the defendant to:

(1) cooperate with the department for purposes of completing the risk and needs assessment instrument adopted under Section 501.0921; and

(2) arrange for suitable housing while participating in the program.

(c) The department, in consultation with interested parties, shall determine four locations in this state in which the pilot program will operate. In determining the locations, the department shall consider locating the program in various regions throughout the state, including locations having a variety of population sizes. The department shall also give consideration to

the degree to which local judges show support for the establishment of the program in a particular location.

(d) The department shall issue a request for proposals from public or private entities to provide services through the pilot program. The department shall select one or more qualified applicants to provide services through the pilot program to eligible defendants.

(e) The pilot program consists of 180 days of employment-related services and support and must include:

(1) an initial period of 90 days during which the defendant will:

(A) receive training and education related to the defendant's vocational goals; and

(B) be employed by the provider;

(2) job placement services designed to provide employment for the defendant after the period described by Subdivision (1);

(3) assistance in obtaining a high school diploma or industry certification for applicable defendants;

educational and vocational training, employment, and reentry services to defendants placed on community supervision and required to serve a term of confinement in a state jail felony facility under Article 42A.562, Code of Criminal Procedure.

(b) The department, in consultation with interested parties, shall determine the eligibility criteria for a defendant to participate in the pilot program, including requiring the defendant to

arrange for suitable housing while participating in the program.

(c) The department, in consultation with interested parties, shall determine not more than four locations in this state in which the pilot program will operate. In determining the locations, the department shall consider locating the program in various regions throughout the state, including locations having a variety of population sizes. The department shall also give consideration to whether a risk and needs assessment is generally conducted before sentencing defendants in a particular location and to the degree to which local judges show support for the establishment of the program in a particular location.

(d) The department shall issue a request for proposals from public or private entities to provide services through the pilot program. The department shall select one or more qualified applicants to provide services through the program to eligible defendants.

(e) The pilot program consists of approximately 180 days of employment-related services and support and must include:

(1) an initial period during which the defendant will:

(A) receive training and education related to the defendant's vocational goals; and

(B) be employed by the provider;

(2) job placement services designed to provide employment for the defendant after the period described by Subdivision (1);

(3) assistance in obtaining a high school diploma or industry certification for applicable defendants;

- (4) life-skills training, including information about budgeting and money management; and
- (5) counseling and mental health services.

(f) The department shall use the cost savings to the department as a result of the release of defendants on community supervision under Article 42A.562, Code of Criminal Procedure, to pay providers not less than \$40 per day for each participant.

Sec. 507.008. IDENTIFICATION OF PILOT PROGRAM PARTICIPANTS. (a) As soon as practicable after a defendant required to submit to confinement under Article 42A.562(a)(1), Code of Criminal Procedure, is received into the custody of a state jail felony facility, the department shall assess the defendant with the risk and needs assessment instrument adopted under Section 501.0921 to assess the defendant's suitability for participation in the pilot program established under Section 507.007.

(b) Not later than the 20th day before the date the defendant will complete the term of confinement imposed under Article 42A.562(a)(1), Code of Criminal Procedure, the department shall:

(1) determine, based on the results of the assessment conducted under Subsection (a), the defendant's conduct while confined, and any other relevant information, whether the defendant meets the eligibility criteria for participation in the pilot program established under Section 507.007; and

(2) if the department determines that the defendant is not eligible, notify the sentencing court of that fact.

SECTION 3. Not later than June 1, 2018, the Texas Department of Criminal Justice shall establish the pilot program required by Section 507.007, Government Code, as added by this Act.

SECTION 4. Article 42A.562, Code of Criminal Procedure, as added by this Act, applies only to a defendant who receives a sentence of confinement in a state jail on or after June 1, 2018. A defendant who

- (4) life-skills training, including information about budgeting and money management; and

- (5) counseling and mental health services.

(f) The department shall limit the number of defendants who may participate in the program to not more than 45 defendants per quarter per program location.

(g) The department shall pay providers not less than \$40 per day for each participant.

SECTION 3. Not later than September 1, 2019, the Texas Department of Criminal Justice shall establish the pilot program required by Section 507.007, Government Code, as added by this Act.

SECTION 4. Article 42A.562, Code of Criminal Procedure, as added by this Act, applies only to a defendant who receives a sentence of confinement in a state jail on or after September 1, 2019. A defendant who

receives a sentence of confinement in a state jail before June 1, 2018, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2017.

receives a sentence of confinement in a state jail before September 1, 2019, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5. Same as introduced version.