

## BILL ANALYSIS

Senate Research Center  
79R11901 GWK-D

C.S.S.B. 938  
By: West, Royce  
Criminal Justice  
4/7/2005  
Committee Report (Substituted)

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

C.S.S.B. 938 addresses the problem experienced by the Texas Department of Criminal Justice (TDCJ) related to probation revocation. It creates a pilot prison diversion program that uses a progressive sanctions approach with the goal of reducing the rate of revocation for adult probationers. In 2004, more than 26,000 offenders had their probations revoked. A large percentage of those revocations were for technical reasons. A common thought is that the limited resources provided to community supervision and corrections departments have had a near-direct impact on the effectiveness of community supervision efforts.

C.S.S.B. 938 creates a pilot prison diversion program to target adult probationers identified as medium-risk and high-risk felony offenders. This will be done through implementation of a progressive sanctions model such as those currently in place in Fort Bend and El Paso counties. Drug court diversion programs now in place in Dallas and Harris counties have experienced success and can be used as models.

C.S.S.B. 938 authorizes TDCJ's Community Justice Assistance Division to issue grants to eligible jurisdictions for the implementation of the pilot program. Initial eligibility prescribes counties that currently experience high rates of revocation.

The goal of C.S.S.B. 938 is to enhance the effectiveness of community-based supervision in ways that will reduce revocation and lessen the number of offenders committed to institutional confinement. With success, a progressive sanctions model may later be considered for statewide implementation.

### 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 509, Government Code, by adding Section 509.016, as follows:

Sec. 509.016. PRISON DIVERSION PILOT PROGRAM. (a) Requires the community justice assistance division (division) to establish a pilot program that provides grants to selected community supervision and corrections departments (departments) for the implementation of a system of progressive sanctions designed to reduce the revocation rate of defendants placed on community supervision. Requires the division to give priority in providing grants to departments serving certain counties.

(b) Sets forth to which departments the division is required to give preference in determining which departments are proper candidates for grants. Requires a department, as a condition to receiving a grant, to meet criteria developed by the division. Requires the criteria to contain some if not all of certain components.

(c) Requires the division, not later than December 1, 2006, to provide a report to the Texas Board of Criminal Justice (board). Requires the report to state certain information and contain an analysis of the scope, effectiveness, and cost benefit of programs funded by the grants. Requires the report to compare those programs to similar programs in existence in various departments before March 1, 2005.

Authorizes the division to include in the report certain other information.  
Requires the board to forward the report to the lieutenant governor and the speaker of the house not later than December 15, 2006.

SECTION 2. Requires the division to develop criteria and review grant proposals, as required by Section 509.016, Government Code, as added by this Act, as soon as possible after the effective date of this Act, and begin making grants under that section not later than September 30, 2005.

SECTION 3. Effective date: upon passage or September 1, 2005.