

BILL ANALYSIS

Senate Research Center
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S.B. 589
By: Rodríguez; Hinojosa
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Legislation passed in the 82nd Legislature, 2011, provided a unique opportunity for individuals in state jails to earn time towards early release, 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. An individual is only eligible for program credits until the 30th day before the date of which 80 percent of his or her sentence has been completed. However, this system limits the effectiveness of the program because the responsibilities split between TDCJ and judges are confusing and inefficient, and because judges are not currently required to grant diligent participation credits or order early release for individuals who qualify.

As filed, S.B. 589 streamlines the process involved in awarding diligent participation credits to those participating in education, vocational, treatment, or work programs in state jails by placing the authority to grant credits directly in the hands of TDCJ, rather than requiring judges to handle credit awards for each participating individual. Doing so will allow credit to be applied as soon as it is earned and the state will conserve judicial resources. S.B. 589 also allows credits to be granted at any time prior to the termination of an individual's sentence, providing an ongoing incentive to participate in rehabilitative programs throughout the duration of the sentence.

As proposed, S.B. 589 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) Requires the Texas Department of Criminal Justice (TDCJ), for a defendant who has participated in an educational, vocational, treatment, or work program while confined in a state jail felony facility, to record the number of days during which the defendant diligently participated in any educational, vocational, treatment, or work program. Requires TDCJ to credit against a defendant's sentence additional time for each day the defendant actually served in the facility while diligently participating in an educational, vocational, treatment, or work program. Provides that a time credit under this subdivision may not exceed one-fifth of the defendant's original sentence. 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 disciplinary action. Provides that a time credit under this subdivision is a privilege and not a right.

Deletes existing text requiring TDCJ, for a defendant who has participated in an educational, vocational, treatment, or work program while confined in a state jail felony facility, not later than the 30th day before the date on which the defendant will have

served 80 percent of the defendant's sentence, to report to the sentencing court the number of days during which the defendant diligently participated in any educational, vocational, treatment, or work program. Deletes existing text providing that the contents of a report submitted under this subdivision are not subject to challenge by a defendant.

Deletes designation of Subdivision (6) and existing text providing that a judge, based on the report received under Subdivision (5), may 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. Deletes existing text providing that a time credit under this subdivision may not exceed one-fifth of the amount of time the defendant is originally required to serve in the facility.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.