

BILL ANALYSIS

Senate Research Center
85R18497 MAW-D

H.B. 3130
By: Parker et al. (Huffman)
Criminal Justice
5/8/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

H.B. 3130 addresses this issue by establishing a pilot program to provide educational and vocational training, employment, and reentry services to certain defendants.

H.B. 3130 amends current law relating to the establishment of an educational and vocational training pilot program for certain state jail felony defendants.

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 Subchapter L, Chapter 42A, Code of Criminal Procedure, by adding Article 42A.562, as follows:

Art. 42A.562. PLACEMENT ON COMMUNITY SUPERVISION; EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM. (a) Authorizes a judge assessing punishment in a state jail felony case, except as provided by Subsection (b), to suspend the imposition of the sentence and place the defendant on community supervision (supervision) with the conditions that the defendant submit at the beginning of the term of supervision to confinement in a state jail felony facility for a term not to exceed 90 days and participate in a program operated under Section 507.007, Government Code, which is added by this Act.

(b) Prohibits a judge from placing a defendant on supervision under this article if the defendant is or has previously been convicted of an offense under Title 5 (Offenses Against the Person), Penal Code.

(c) Requires a defendant, before a judge is authorized to place the defendant on supervision, to be assessed using the risk and needs assessment instrument adopted under Section 501.0921 (Risk and Needs Assessment Instrument), Government Code, or a similar instrument that takes into consideration the defendant's prior criminal history.

(d) Requires the judge, notwithstanding Article 42A.559(c) (relating to authorizing and requiring a judge to take certain actions relating to credits for time served), to credit against the time the defendant is required to serve under Subsection (a)(1) (relating to the defendant submitting to a term of confinement at a state jail facility) time the defendant served in a county jail from the time of the defendant's arrest until sentencing.

(e) Requires a judge placing a defendant on supervision under this article, notwithstanding the minimum period of supervision provided by Article 42A.553(a) (relating to the minimum and maximum periods of supervision a judge is authorized to impose), to impose a period of supervision not to exceed 270 days.

(f) Requires a defendant placed on supervision to participate fully in the program described by Subsection (a)(2) (relating to a defendant participating in a certain program). Provides that the provisions of Subchapter P (Revocation and Other Sanctions) authorizing the judge to revoke a defendant's supervision or otherwise sanction the defendant apply with respect to a defendant who violates the requirement of this subsection.

SECTION 2. Amends Subchapter A, Chapter 507, Government Code, by adding Section 507.007, as follows:

Sec. 507.007. EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM.

(a) Requires the Texas Department of Criminal Justice (TDCJ) to establish a pilot program (program) to provide educational and vocational training, employment, and reentry services to defendants placed on supervision and required to serve a term of confinement in a state jail felony facility under Article 42A.562, Code of Criminal Procedure.

(b) Requires TDCJ, in consultation with interested parties, to determine the eligibility criteria for a defendant to participate in the program, including requiring the defendant to arrange for suitable housing while participating in the program.

(c) Requires TDCJ, in consultation with interested parties, to determine not more than four locations in this state in which the program will operate and, in determining the locations, to consider locating the program in various regions throughout the state, including locations having a variety of population sizes. 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.

(d) Requires TDCJ to issue a request for proposals from public or private entities to provide services through the program and to select one or more qualified applicants to provide services through the program to eligible defendants.

(e) Provides that the program consists of approximately 180 days of employment-related services and support and requires it to include certain services.

(f) Requires TDCJ to limit the number of defendants who are authorized to participate in the program to not more than 45 defendants per quarter per program location.

(g) Requires TDCJ to pay providers not less than \$40 per day for each participant.

SECTION 3. Requires TDCJ, not later than September 1, 2019, to establish the program required by Section 507.007, Government Code, as added by this Act.

SECTION 4. Makes application of Article 42A.562, Code of Criminal Procedure, as added by this Act, prospective to September 1, 2019.

SECTION 5. Effective date: September 1, 2017.