

AN ACT

relating to the continuation and functions of the Texas Board of Criminal Justice, the Texas Department of Criminal Justice, and the Correctional Managed Health Care Committee, and to the functions of the Board of Pardons and Paroles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Article 15.19, Code of Criminal Procedure, is amended to read as follows:

(a) If the arrested person [~~accused~~] fails or refuses to give bail, as provided in [~~the preceding~~] Article 15.18, the arrested person [~~he~~] shall be committed to the jail of the county where the person [~~he~~] was arrested; and the magistrate committing the arrested person [~~him~~] shall immediately provide notice to [~~notify~~] the sheriff of the county in which the offense is alleged to have been committed regarding:

(1) [~~of~~] the arrest and commitment, which notice may be given by telegraph, [~~by~~] mail, or [~~by~~] other written means; and

(2) whether the person was also arrested under a warrant issued under Section 508.251, Government Code [~~notice~~].

SECTION 2. Article 15.20, Code of Criminal Procedure, is amended to read as follows:

Art. 15.20. DUTY OF SHERIFF RECEIVING NOTICE. (a) Subject to Subsection (b), the [~~The~~] sheriff receiving the notice of arrest and commitment under Article 15.19 shall forthwith go or send for

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1 the arrested person [~~prisoner~~] and have the arrested person [~~him~~]
2 brought before the proper court or magistrate.

3 (b) A sheriff who receives notice under Article 15.19(a)(2)
4 of a warrant issued under Section 508.251, Government Code, shall
5 have the arrested person brought before the proper magistrate or
6 court before the 11th day after the date the person is committed to
7 the jail of the county in which the person was arrested.

8 SECTION 3. Article 15.21, Code of Criminal Procedure, is
9 amended to read as follows:

10 Art. 15.21. PRISONER DISCHARGED IF NOT TIMELY DEMANDED. If
11 the proper office of the county where the offense is alleged to have
12 been committed does not demand the arrested person [~~prisoner~~] and
13 take charge of the arrested person before the 11th day after the
14 date the person [~~him within ten days from the day he~~] is committed
15 to the jail of the county in which the person is arrested, the
16 arrested person [~~such prisoner~~] shall be discharged from custody.

17 SECTION 4. Subsection (a), Section 8, Article 42.09, Code
18 of Criminal Procedure, is amended to read as follows:

19 (a) A county that transfers a defendant to the Texas
20 Department of Criminal Justice under this article shall deliver to
21 an officer designated by the department:

22 (1) a copy of the judgment entered pursuant to Article
23 42.01 of this code, completed on a standardized felony judgment
24 form described by Section 4 of that article;

25 (2) a copy of any order revoking community supervision
26 and imposing sentence pursuant to Section 23, Article 42.12, of
27 this code, including:

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1 (A) any amounts owed for restitution, fines, and
2 court costs, completed on a standardized felony judgment form
3 described by Section 4, Article 42.01, of this code; and

4 (B) a copy of the client supervision plan
5 prepared for the defendant by the community supervision and
6 corrections department supervising the defendant, if such a plan
7 was prepared;

8 (3) a written report that states the nature and the
9 seriousness of each offense and that states the citation to the
10 provision or provisions of the Penal Code or other law under which
11 the defendant was convicted;

12 (4) a copy of the victim impact statement, if one has
13 been prepared in the case under Article 56.03 of this code;

14 (5) a statement as to whether there was a change in
15 venue in the case and, if so, the names of the county prosecuting
16 the offense and the county in which the case was tried;

17 (6) a copy of the record of arrest for each offense;

18 (7) if requested, information regarding the criminal
19 history of the defendant, including the defendant's state
20 identification number if the number has been issued;

21 (8) a copy of the indictment or information for each
22 offense;

23 (9) a checklist sent by the department to the county
24 and completed by the county in a manner indicating that the
25 documents required by this subsection and Subsection (c) of this
26 section accompany the defendant;

27 (10) if prepared, a copy of a presentence or

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1 postsentence investigation report prepared under Section 9,
2 Article 42.12 of this code;

3 (11) a copy of any detainer, issued by an agency of the
4 federal government, that is in the possession of the county and that
5 has been placed on the defendant; ~~and~~

6 (12) if prepared, a copy of the defendant's Texas
7 Uniform Health Status Update Form; and

8 (13) a written description of a hold or warrant,
9 issued by any other jurisdiction, that the county is aware of and
10 that has been placed on or issued for the defendant.

11 SECTION 5. Subsection (b), Section 5, Article 42.12, Code
12 of Criminal Procedure, is amended to read as follows:

13 (b) On violation of a condition of community supervision
14 imposed under Subsection (a) of this section, the defendant may be
15 arrested and detained as provided in Section 21 of this article.
16 The defendant is entitled to a hearing limited to the determination
17 by the court of whether it proceeds with an adjudication of guilt on
18 the original charge. This determination is reviewable in the same
19 manner as a revocation hearing conducted under Section 21 of this
20 article in a case in which an adjudication of guilt had not been
21 deferred ~~[No appeal may be taken from this determination]~~. After an
22 adjudication of guilt, all proceedings, including assessment of
23 punishment, pronouncement of sentence, granting of community
24 supervision, and defendant's appeal continue as if the adjudication
25 of guilt had not been deferred. A court assessing punishment after
26 an adjudication of guilt of a defendant charged with a state jail
27 felony may suspend the imposition of the sentence and place the

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1 defendant on community supervision or may order the sentence to be
2 executed, regardless of whether the defendant has previously been
3 convicted of a felony.

4 SECTION 6. Subdivision (1), Subsection (a), Section 15,
5 Article 42.12, Code of Criminal Procedure, is amended to read as
6 follows:

7 (1) On conviction of a state jail felony under Section
8 481.115(b), 481.1151(b)(1), 481.116(b), 481.121(b)(3), or
9 481.129(g)(1), Health and Safety Code, that is punished under
10 Section 12.35(a), Penal Code, the judge shall suspend the
11 imposition of the sentence and place the defendant on community
12 supervision, unless the defendant has previously been convicted of
13 a felony or unless the conviction resulted from an adjudication of
14 the guilt of a defendant previously placed on deferred adjudication
15 community supervision for the offense, in which event the judge may
16 suspend the imposition of the sentence and place the defendant on
17 community supervision or may order the sentence to be executed. The
18 provisions of this subdivision requiring the judge to suspend the
19 imposition of the sentence and place the defendant on community
20 supervision do not apply to a defendant who under Section
21 481.1151(b)(1), Health and Safety Code, possessed more than five
22 abuse units of the controlled substance or under Section
23 481.121(b)(3), Health and Safety Code, possessed more than one
24 pound of marihuana.

25 SECTION 7. Section 15, Article 42.12, Code of Criminal
26 Procedure, is amended by adding Subsections (i), (j), and (k) to
27 read as follows:

1 (i) If a defendant is convicted of a state jail felony and
2 the sentence is executed, the judge sentencing the defendant may
3 release the defendant to a medically suitable placement if the
4 judge determines that the defendant does not constitute a threat to
5 public safety and the Texas Correctional Office on Offenders with
6 Medical or Mental Impairments:

7 (1) in coordination with the Correctional Managed
8 Health Care Committee prepares a case summary and medical report
9 that identifies the defendant as being elderly, physically
10 disabled, mentally ill, terminally ill, or mentally retarded or
11 having a condition requiring long-term care; and

12 (2) in cooperation with the community supervision and
13 corrections department serving the sentencing court, prepares for
14 the defendant a medically recommended intensive supervision and
15 continuity of care plan that:

16 (A) ensures appropriate supervision of the
17 defendant by the community supervision and corrections department;
18 and

19 (B) requires the defendant to remain under the
20 care of a physician at and reside in a medically suitable placement.

21 (j) The Texas Correctional Office on Offenders with Medical
22 or Mental Impairments shall submit to a judge who releases a
23 defendant to an appropriate medical care facility under Subsection
24 (i) a quarterly status report concerning the defendant's medical
25 and treatment status.

26 (k) If a defendant released to a medically suitable
27 placement under Subsection (i) violates the terms of that release,

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1 the judge may dispose of the matter as provided by Subsections (e)
2 and (f)(1).

3 SECTION 8. Section 16, Article 42.12, Code of Criminal
4 Procedure, is amended by adding Subsection (f) to read as follows:

5 (f) In lieu of requiring a defendant to work a specified
6 number of hours at a community service project or projects under
7 Subsection (a), the judge may order a defendant to make a specified
8 donation to a nonprofit food bank or food pantry in the community in
9 which the defendant resides.

10 SECTION 9. Section 19, Article 42.12, Code of Criminal
11 Procedure, is amended by amending Subsections (a) and (b) and
12 adding Subsection (g) to read as follows:

13 (a) Except as otherwise provided by this subsection, a judge
14 granting community supervision shall fix a fee of not less than \$25
15 and not more than \$60 per month to be paid during the period of
16 community supervision by the defendant to the court of original
17 jurisdiction or, in the case of an intrastate transfer described by
18 Section 10(b) of this article, to the court to which jurisdiction of
19 the defendant's case is transferred [~~by the defendant during the~~
20 ~~community supervision period~~]. The judge may make payment of the
21 fee a condition of granting or continuing the community
22 supervision. The judge may waive or reduce the fee or suspend a
23 monthly payment of the fee if the judge determines that payment of
24 the fee would cause the defendant a significant financial hardship.

25 (b) A [The] judge shall deposit any fee [~~the fees~~] received
26 under Subsection (a) of this section in the special fund of the
27 county treasury, to be used for the same purposes for which state

1 aid may be used under Chapter 76, Government Code.

2 (g) A court to which jurisdiction of a defendant's case is
3 transferred under Section 10(b) of this article shall enter an
4 order directing the defendant to pay the monthly fee described by
5 Subsection (a) of this section to that court in lieu of paying the
6 monthly fee to the court of original jurisdiction. To the extent of
7 any conflict between an order issued under this subsection and an
8 order issued by a court of original jurisdiction, the order entered
9 under this subsection prevails.

10 SECTION 10. Subsection (c), Article 61.06, Code of Criminal
11 Procedure, is amended to read as follows:

12 (c) In determining whether information is required to be
13 removed from an intelligence database under Subsection (b), the
14 three-year period does not include any period during which the
15 individual who is the subject of the information is:

16 (1) confined in a correctional facility operated by or
17 under contract with the [~~institutional division or the state jail~~
18 ~~division of the]~~ Texas Department of Criminal Justice; or

19 (2) confined in a county jail in lieu of being confined
20 in a correctional facility operated by or under contract with the
21 Texas Department of Criminal Justice.

22 SECTION 11. Section 76.004, Government Code, is amended by
23 amending Subsection (a) and adding Subsection (h) to read as
24 follows:

25 (a) After complying with the requirements of Subsection
26 (h), the [The] judges described by Section 76.002 shall appoint a
27 department director who must meet, at a minimum, the eligibility

1 requirements for officers established under Section 76.005.

2 (h) When there is a vacancy in the position of department
3 director, the judges described by Section 76.002 shall:

4 (1) publicly advertise the position;

5 (2) post a job description, the qualifications for the
6 position, and the application requirements;

7 (3) conduct a competitive hiring process and adhere to
8 state and federal equal employment opportunity laws; and

9 (4) review applicants who meet the posted
10 qualifications and comply with the application requirements.

11 SECTION 12. The heading to Subtitle C, Title 3, Government
12 Code, is amended to read as follows:

13 SUBTITLE C. LEGISLATIVE AGENCIES AND OVERSIGHT COMMITTEES

14 SECTION 13. Subtitle C, Title 3, Government Code, is
15 amended by adding Chapter 328 to read as follows:

16 CHAPTER 328. CRIMINAL JUSTICE LEGISLATIVE OVERSIGHT COMMITTEE

17 Sec. 328.001. DEFINITION. In this chapter, "committee"
18 means the Criminal Justice Legislative Oversight Committee.

19 Sec. 328.002. ESTABLISHMENT; COMPOSITION. (a) The
20 Criminal Justice Legislative Oversight Committee is established to
21 provide objective research, analysis, and recommendations to help
22 guide state criminal justice policies.

23 (b) The committee is composed of six members as follows:

24 (1) the chair of the Senate Committee on Criminal
25 Justice;

26 (2) the chair of the House Committee on Corrections;

27 (3) two members of the senate appointed by the

1 lieutenant governor; and

2 (4) two members of the house of representatives
3 appointed by the speaker of the house of representatives.

4 (c) In making appointments under Subsection (b)(3) or (4),
5 the lieutenant governor or the speaker of the house of
6 representatives, as applicable, shall give first consideration to
7 members of the senate or the house of representatives who are
8 members of the Senate Committee on Finance or the House
9 Appropriations Committee.

10 (d) An appointed member of the committee serves at the
11 pleasure of the appointing official.

12 Sec. 328.003. PRESIDING OFFICER; TERM. (a) The lieutenant
13 governor and the speaker of the house of representatives shall
14 appoint the presiding officer of the committee on an alternating
15 basis.

16 (b) The presiding officer of the committee serves a two-year
17 term that expires February 1 of each odd-numbered year.

18 Sec. 328.004. POWERS AND DUTIES. (a) The committee shall:

19 (1) use statistical analyses and other research
20 methods to conduct an in-depth examination of the criminal justice
21 system in this state that includes:

22 (A) an assessment of the cost-effectiveness of
23 the use of state and local funds in the criminal justice system;

24 (B) an identification of critical problems in the
25 criminal justice system; and

26 (C) a determination of the long-range needs of
27 the criminal justice system;

1 (2) recommend to the legislature:

2 (A) strategies to solve the problems identified
3 under Subdivision (1)(B); and

4 (B) policy priorities to address the long-range
5 needs determined under Subdivision (1)(C); and

6 (3) advise and assist the legislature in developing
7 plans, programs, and proposed legislation to improve the
8 effectiveness of the criminal justice system.

9 (b) The committee has all other powers and duties provided
10 to a special committee by:

11 (1) Subchapter B, Chapter 301;

12 (2) the rules of the senate and the house of
13 representatives; and

14 (3) policies of the senate and house committees on
15 administration.

16 Sec. 328.005. MEETINGS. The committee shall meet at the
17 call of the presiding officer.

18 Sec. 328.006. STAFF; AUTHORITY TO CONTRACT. The committee
19 may hire staff or may contract with universities or other suitable
20 entities to assist the committee in carrying out the committee's
21 duties. Funding to support the operation of the committee shall be
22 provided from funds appropriated to the Texas Legislative Council.

23 Sec. 328.007. REPORT. Not later than January 1 of each
24 odd-numbered year, the committee shall submit to the legislature a
25 report that contains the recommendations described by Section
26 328.004(a)(2).

27 SECTION 14. Section 492.012, Government Code, is amended to

1 read as follows:

2 Sec. 492.012. SUNSET PROVISION. The Texas Board of
3 Criminal Justice and the Texas Department of Criminal Justice are
4 subject to Chapter 325 (Texas Sunset Act). Unless continued in
5 existence as provided by that chapter, the board and the department
6 are abolished September 1, 2011 [~~2007~~].

7 SECTION 15. Chapter 492, Government Code, is amended by
8 adding Sections 492.0125, 492.015, and 492.016 to read as follows:

9 Sec. 492.0125. COMPLIANCE WITH SUNSET RECOMMENDATIONS.

10 (a) The department shall:

11 (1) comply with and implement the management action
12 recommendations regarding the department adopted by the Sunset
13 Advisory Commission on January 10, 2007, as a result of its review
14 of the department; and

15 (2) report to the Sunset Advisory Commission not later
16 than November 1, 2008, the information the Sunset Advisory
17 Commission requires regarding the department's implementation of
18 the recommendations under Subdivision (1).

19 (b) This section expires June 1, 2009.

20 Sec. 492.015. USE OF TECHNOLOGY. The board shall implement
21 a policy requiring the department to use appropriate technological
22 solutions to improve the department's ability to perform its
23 functions. The policy must ensure that the public is able to
24 interact with the department on the Internet.

25 Sec. 492.016. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
26 RESOLUTION. (a) The board shall develop and implement a policy to
27 encourage the use of:

1 (1) negotiated rulemaking procedures under Chapter
2 2008 for the adoption of department rules; and

3 (2) appropriate alternative dispute resolution
4 procedures under Chapter 2009 to assist in the resolution of
5 internal and external disputes under the department's
6 jurisdiction.

7 (b) The department's procedures relating to alternative
8 dispute resolution must conform, to the extent possible, to any
9 model guidelines issued by the State Office of Administrative
10 Hearings for the use of alternative dispute resolution by state
11 agencies.

12 (c) The board shall designate a trained person to:

13 (1) coordinate the implementation of the policy
14 adopted under Subsection (a);

15 (2) serve as a resource for any training needed to
16 implement the procedures for negotiated rulemaking or alternative
17 dispute resolution; and

18 (3) collect data concerning the effectiveness of those
19 procedures, as implemented by the department.

20 SECTION 16. Chapter 493, Government Code, is amended by
21 adding Section 493.0151 to read as follows:

22 Sec. 493.0151. DYNAMIC RISK ASSESSMENT OF SEX OFFENDERS.

23 (a) For purposes of this section, "sexual offense" means a
24 criminal offense the conviction of which requires a person to
25 register as a sex offender under Chapter 62, Code of Criminal
26 Procedure.

27 (b) Before an inmate who is serving a sentence for a sexual

1 offense is discharged or is released on parole or mandatory
2 supervision from the department, the department shall use the
3 dynamic risk assessment tool developed by the Council on Sex
4 Offender Treatment under Section 110.164, Occupations Code, to
5 assign the inmate a risk level of low, medium, or high.

6 (c) The department shall conduct the risk assessment
7 required by this section in addition to any other risk assessment
8 the department is required to conduct.

9 SECTION 17. Chapter 493, Government Code, is amended by
10 adding Section 493.026 to read as follows:

11 Sec. 493.026. CERTAIN INTERAGENCY COMMUNICATIONS
12 PROHIBITED. The department, regardless of available capacity in
13 the program, may not prohibit a parole panel from, or request a
14 parole panel to refrain from, requiring an inmate to participate in
15 and complete a treatment program operated by the department before
16 the inmate is released on parole.

17 SECTION 18. Chapter 493, Government Code, is amended by
18 adding Section 493.027 to read as follows:

19 Sec. 493.027. MANAGEMENT-EMPLOYEE MEETINGS. (a) The
20 director of the department may meet regularly with representatives
21 of an eligible state employee organization, as certified by the
22 comptroller under Section 403.0165, that represents department
23 employees in disciplinary or grievance matters to identify:

24 (1) department policies or practices that impair the
25 efficient, safe, and effective operation of department facilities;
26 and

27 (2) issues that could lead to unnecessary conflicts

1 between the department and department employees and that could
2 undermine retention and recruitment of those employees.

3 (b) The director annually shall submit a report to the
4 Criminal Justice Legislative Oversight Committee on the outcome of
5 any meetings held under this section. The report must:

6 (1) be signed by the director and each representative
7 of an employee organization described by Subsection (a) that
8 participates in the meetings; and

9 (2) include a statement from each party regarding the
10 impact of the meetings on the recruitment and retention of
11 department employees and on employee morale.

12 SECTION 19. Section 494.008, Government Code, is amended by
13 amending Subsection (b) and adding Subsection (b-1) to read as
14 follows:

15 (b) The department may allow employees who are granted law
16 enforcement authority under this section to assist municipal,
17 county, state, or federal law enforcement [~~peace~~] officers [~~in any~~
18 ~~county of the state~~] if:

19 (1) the assistance is requested for an emergency
20 situation that presents an immediate or potential threat to public
21 safety if assistance is not received, including [~~the purpose of~~]
22 apprehending an escapee of a municipal or county jail or privately
23 operated or federal correctional facility; and

24 (2) [~~if~~] the department determines that the assistance
25 will not jeopardize the safety and security of the department and
26 its personnel.

27 (b-1) An employee who assists under Subsection (b) a law

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1 enforcement [~~peace~~] officer in the performance of the officer's
2 duties has the same powers and duties as the officer requesting
3 assistance.

4 SECTION 20. Subchapter B, Chapter 495, Government Code, is
5 amended by adding Sections 495.025 and 495.026 to read as follows:

6 Sec. 495.025. CERTAIN COMMISSARY CONTRACTS; TASTE TESTS.

7 (a) For the purchase of commissary food goods, the department may
8 conduct a taste test as consideration for a bid award only if, to
9 conduct the test, the department contracts with a private marketing
10 vendor, a university, or another independent organization that is
11 experienced in food product evaluation and taste tests.

12 (b) In awarding a bid for commissary food goods for which a
13 taste test is conducted, the department may use the taste test
14 results as not more than 30 percent of the criteria used for the bid
15 award.

16 (c) A contract into which the department enters under
17 Subsection (a) must require the vendor, university, or other
18 organization, at the expense of the vendor, university, or
19 organization, to annually re-conduct the taste test to ensure that
20 the product meets the original specifications of the request for
21 proposal that resulted in the department entering a contract for
22 the tested product.

23 Sec. 495.026. PRODUCT BUNDLING, BULK PURCHASING, AND VENDOR
24 DISCOUNTS. The department may provide for the practice of bundling
25 products into categories to ensure savings through bulk purchasing,
26 discounts for advance invoice payments, and online ordering.

27 SECTION 21. Subsections (b) and (c), Section 497.006,

1 Government Code, are amended to read as follows:

2 (b) With the approval of the board, the office may enter
3 into a contract with a private business to conduct a program on or
4 off property operated by the department. Except as provided by
5 Subsection (c), a contract entered into under this section must
6 comply with all requirements of the Private Sector/Prison Industry
7 Enhancement Certification Program operated by the Bureau of Justice
8 Assistance and authorized by 18 U.S.C. Section 1761. In
9 determining under Section 497.062 the number of participants
10 participating in private sector prison industries programs, the
11 department shall count the number of work program participants
12 participating in a program under a contract entered into under this
13 section. Not more than 700 [~~500~~] work program participants may
14 participate in programs under contracts entered into under this
15 subsection.

16 (c) A contract for the provision of services under this
17 section must:

18 (1) be certified by the Private Sector Prison
19 Industries Oversight Authority as complying with all requirements
20 of the Private Sector/Prison Industry Enhancement Certification
21 Program operated by the Bureau of Justice Assistance and authorized
22 by 18 U.S.C. Section 1761, other than a requirement relating to the
23 payment of prevailing wages, so long as the contract requires
24 payment of not less than the federal minimum wage;

25 (2) be certified by the authority, under rules adopted
26 under Section 497.059, that the contract would not cause the loss of
27 existing jobs of a specific type provided by the contracting party

1 in this state; and

2 (3) be approved by the board.

3 SECTION 22. Subchapter D, Chapter 499, Government Code, is
4 amended by adding Section 499.072 to read as follows:

5 Sec. 499.072. LOCATION OF CENTRAL PRISON UNIT. (a) The
6 department shall conduct a feasibility study of relocating the
7 Central Prison Unit and the adjoining prison housing units from
8 their current location in Sugar Land, Texas, to a location that more
9 appropriately addresses the needs of the correctional system.

10 (b) If relocation is determined to be in the best interest
11 of the correctional system and the City of Sugar Land, during the
12 course of the study the department shall examine:

13 (1) the costs and benefits of relocating the Central
14 Prison Unit and the adjoining prison housing units;

15 (2) appropriate measures to ensure that adequate
16 easements are granted to allow development of surrounding property;
17 and

18 (3) an anticipated timeline for the relocation.

19 SECTION 23. Subchapter A, Chapter 501, Government Code, is
20 amended by adding Section 501.011 to read as follows:

21 Sec. 501.011. ZERO-TOLERANCE POLICY. (a) The department
22 shall adopt a zero-tolerance policy concerning the detection,
23 prevention, and punishment of the sexual abuse, including
24 consensual sexual contact, of inmates in the custody of the
25 department.

26 (b) The department shall establish standards for reporting
27 and collecting data on the sexual abuse of inmates in the custody of

1 the department.

2 (c) The department shall establish a procedure for inmates
3 in the custody of the department and department employees to report
4 incidents of sexual abuse involving an inmate in the custody of the
5 department. The procedure must designate a person employed at the
6 department facility in which the abuse is alleged to have occurred
7 as well as a person who is employed at the department's headquarters
8 to whom a person may report an incident of sexual abuse.

9 (d) The department shall prominently display the following
10 notice in the office of the chief administrator of each department
11 facility, the employees' break room of each department facility,
12 the cafeteria of each department facility, and at least six
13 additional locations in each department facility:

14 THE TEXAS LEGISLATURE HAS ADOPTED A ZERO-TOLERANCE POLICY
15 REGARDING THE SEXUAL ABUSE, INCLUDING CONSENSUAL SEXUAL CONTACT, OF
16 AN INMATE IN THE CUSTODY OF THE DEPARTMENT. ANY SUCH VIOLATION MUST
17 BE REPORTED TO _____.

18 SECTION 24. Subchapter B, Chapter 501, Government Code, is
19 amended by adding Sections 501.059 and 501.064 to read as follows:

20 Sec. 501.059. SCREENING FOR AND EDUCATION CONCERNING FETAL
21 ALCOHOL EXPOSURE DURING PREGNANCY. (a) The department shall
22 establish a screening program to identify female inmates who are:

- 23 (1) between the ages of 18 and 44;
- 24 (2) sentenced to a term of confinement not to exceed
25 two years; and
- 26 (3) at risk for having a pregnancy with
27 alcohol-related complications, including giving birth to a child

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1 with alcohol-related birth defects.

2 (b) The screening program established under Subsection (a)
3 must:

4 (1) evaluate the family planning practices of each
5 female inmate described by Subsection (a) in relation to the
6 inmate's consumption of alcohol and risk of having a pregnancy with
7 alcohol-related complications;

8 (2) include an objective screening tool to be used by
9 department employees administering the screening program; and

10 (3) occur during the diagnostic process or at another
11 time determined by the department.

12 (c) The department shall provide:

13 (1) a brief substance abuse intervention to all female
14 inmates identified by the screening program as being at risk for
15 having a pregnancy with alcohol-related complications; and

16 (2) an educational brochure describing the risks and
17 dangers of consuming alcohol during pregnancy to all female
18 inmates.

19 Sec. 501.064. AVAILABILITY OF CORRECTIONAL HEALTH CARE
20 INFORMATION TO INMATES. The department shall ensure that the
21 following information is available to any inmate confined in a
22 facility operated by or under contract with the department:

23 (1) a description of the level, type, and variety of
24 health care services available to inmates;

25 (2) the formulary used by correctional health care
26 personnel in prescribing medication to inmates;

27 (3) correctional managed care policies and

1 procedures; and

2 (4) the process for the filing of inmate grievances
3 concerning health care services provided to inmates.

4 SECTION 25. Section 501.132, Government Code, is amended to
5 read as follows:

6 Sec. 501.132. APPLICATION OF SUNSET ACT. The Correctional
7 Managed Health Care Committee is subject to review under Chapter
8 325 (Texas Sunset Act) regarding the committee's role and
9 responsibilities. The committee shall be reviewed during the
10 period in which the Texas Department of Criminal Justice is
11 reviewed [~~Unless continued in existence as provided by that~~
12 ~~chapter, the committee is abolished and this subchapter expires~~
13 ~~September 1, 2007~~].

14 SECTION 26. Subchapter E, Chapter 501, Government Code, is
15 amended by adding Section 501.1325 to read as follows:

16 Sec. 501.1325. COMPLIANCE WITH SUNSET RECOMMENDATIONS.

17 (a) The committee, The University of Texas Medical Branch at
18 Galveston, and the Texas Tech University Health Sciences Center
19 shall:

20 (1) comply with and implement the management action
21 recommendations regarding the committee, The University of Texas
22 Medical Branch at Galveston, and the Texas Tech University Health
23 Sciences Center adopted by the Sunset Advisory Commission on
24 January 10, 2007, as a result of its review of the committee; and

25 (2) report to the Sunset Advisory Commission not later
26 than November 1, 2008, the information the Sunset Advisory
27 Commission requires regarding the committee and the health care

1 providers' implementation of the recommendations under Subdivision
2 (1).

3 (b) This section expires June 1, 2009.

4 SECTION 27. Section 501.137, Government Code, is amended to
5 read as follows:

6 Sec. 501.137. PRESIDING OFFICER. The governor shall
7 designate a public [~~physician~~] member of the committee who is
8 licensed to practice medicine in this state as presiding officer.
9 The presiding officer serves in that capacity at the will of the
10 governor.

11 SECTION 28. Subsection (a), Section 501.148, Government
12 Code, is amended to read as follows:

13 (a) The committee shall:

14 (1) develop statewide policies for the delivery of
15 correctional health care;

16 (2) maintain [~~the~~] contracts for health care services
17 in consultation with the department and the health care providers;

18 (3) communicate with the department and the
19 legislature regarding the financial needs of the correctional
20 health care system;

21 (4) allocate funding made available through
22 legislative appropriations for correctional health care;

23 (5) monitor the expenditures of The University of
24 Texas Medical Branch at Galveston and the Texas Tech University
25 Health Sciences Center to ensure that those expenditures comply
26 with applicable statutory and contractual requirements;

27 (6) serve as a dispute resolution forum

1 ~~[(2) determine a capitation rate reflecting the true cost of~~
2 ~~correctional health care, including necessary catastrophic~~
3 ~~reserves;~~

4 ~~[(3) monitor and develop reports on general quality of~~
5 ~~care issues;~~

6 ~~[(4) act as an independent third party in the~~
7 ~~allocation of money to inmate health care providers, including the~~
8 ~~allocation of money between The University of Texas Medical Branch~~
9 ~~at Galveston and the Texas Tech University Health Sciences Center;~~

10 ~~[(5) act as an independent third party for the purpose~~
11 ~~of dispute resolution] in the event of a disagreement relating to~~
12 ~~inmate health care services between:~~

13 (A) the department and the health care providers;
14 or

15 (B) The University of Texas Medical Branch at
16 Galveston and the Texas Tech University Health Sciences Center;

17 (7) address problems found through monitoring
18 activities by the department and health care providers [and

19 ~~[(6) enforce compliance with contract provisions],~~
20 including requiring corrective action if care does not meet
21 expectations as determined by those ~~[quality of care]~~ monitoring
22 activities;

23 (8) identify and address long-term needs of the
24 correctional health care system; and

25 (9) report to the Texas Board of Criminal Justice at
26 the board's regularly scheduled meeting each quarter on the
27 committee's policy decisions, the financial status of the

1 correctional health care system, and corrective actions taken by or
2 required of the department or the health care providers.

3 SECTION 29. Section 501.150, Government Code, is amended to
4 read as follows:

5 Sec. 501.150. QUALITY OF CARE MONITORING BY THE DEPARTMENT
6 AND HEALTH CARE PROVIDERS. (a) The committee shall establish a
7 procedure for monitoring the quality of care delivered by the
8 health care providers. Under the procedure, the department shall
9 monitor the quality of care delivered by the health care providers,
10 including [~~department's monitoring activities must be limited to~~]
11 investigating medical grievances, ensuring access to medical care,
12 and conducting periodic operational reviews of medical care
13 provided at its units.

14 (b) The department and the medical care providers shall
15 cooperate in monitoring quality of care. The clinical and
16 professional resources of the health care providers shall be used
17 to the greatest extent feasible for clinical oversight of quality
18 of care issues. The department may require the health care
19 providers to take corrective action if the care provided does not
20 meet expectations as determined by quality of care monitoring.

21 (c) The department and the medical care providers shall
22 communicate the results of their monitoring activities, including a
23 list of and the status of any corrective actions required of the
24 health care providers, to the committee and to the Texas Board of
25 Criminal Justice.

26 SECTION 30. Subsections (a) and (b), Section 501.151,
27 Government Code, are amended to read as follows:

1 (a) The committee shall maintain a file on each written
2 complaint filed with the committee by a member of the general
3 public. The file must include:

4 (1) the name of the person who filed the complaint;

5 (2) the date the complaint is received by the
6 committee;

7 (3) the subject matter of the complaint;

8 (4) the name of each person contacted in relation to
9 the complaint;

10 (5) a summary of the results of the review or
11 investigation of the complaint; and

12 (6) an explanation of the reason the file was closed,
13 if the committee closed the file without taking action other than to
14 investigate the complaint.

15 (b) The committee shall make information available
16 describing its procedures for [~~provide to the person filing the~~
17 ~~complaint and to each person who is a subject of the complaint a~~
18 ~~copy of the committee's policies and procedures relating to~~]
19 complaint investigation and resolution.

20 SECTION 31. Subchapter E, Chapter 501, Government Code, is
21 amended by adding Sections 501.153, 501.154, and 501.155 to read as
22 follows:

23 Sec. 501.153. ALTERNATIVE DISPUTE RESOLUTION. (a) The
24 committee shall develop and implement a policy to encourage the use
25 of appropriate alternative dispute resolution procedures under
26 Chapter 2009 to assist in the resolution of internal and external
27 disputes under the committee's jurisdiction.

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over

1 (b) The committee's procedures relating to alternative
2 dispute resolution must conform, to the extent possible, to any
3 model guidelines issued by the State Office of Administrative
4 Hearings for the use of alternative dispute resolution by state
5 agencies.

6 (c) The committee shall designate a trained person to:

7 (1) coordinate the implementation of the policy
8 adopted under Subsection (a);

9 (2) serve as a resource for any training needed to
10 implement the procedures for alternative dispute resolution; and

11 (3) collect data concerning the effectiveness of those
12 procedures, as implemented by the committee.

13 Sec. 501.154. USE OF TECHNOLOGY. The committee shall
14 implement a policy requiring the committee to use appropriate
15 technological solutions to improve the committee's ability to
16 perform its functions. The policy must ensure that the public is
17 able to interact with the committee on the Internet.

18 Sec. 501.155. AVAILABILITY OF CORRECTIONAL HEALTH CARE
19 INFORMATION TO THE PUBLIC. (a) The committee shall ensure that
20 the following information is available to the public:

21 (1) contracts between the department, the committee,
22 and health care providers, and other information concerning the
23 contracts, including a description of the level, type, and variety
24 of health care services available to inmates;

25 (2) the formulary used by correctional health care
26 personnel in prescribing medication to inmates;

27 (3) correctional managed care policies and

1 procedures;

2 (4) quality assurance statistics and data, to the
3 extent permitted by law;

4 (5) general information concerning the costs
5 associated with correctional health care, including at a minimum:

6 (A) quarterly and monthly financial reports; and

7 (B) aggregate cost information for:

8 (i) salaries and benefits;

9 (ii) equipment and supplies;

10 (iii) pharmaceuticals;

11 (iv) offsite medical services; and

12 (v) any other costs to the correctional
13 health care system;

14 (6) aggregate statistical information concerning
15 inmate deaths and the prevalence of disease among inmates;

16 (7) the process for the filing of inmate grievances
17 concerning health care services provided to inmates;

18 (8) general statistics on the number and types of
19 inmate grievances concerning health care services provided to
20 inmates filed during the preceding quarter;

21 (9) contact information for a member of the public to
22 submit an inquiry to or file a complaint with the department or a
23 health care provider;

24 (10) information concerning the regulation and
25 discipline of health care professionals, including contact
26 information for the Health Professions Council and a link to the
27 council's website;

1 (11) unit data regarding health care services,
2 including hours of operation, available services, general
3 information on health care staffing at the unit, statistics on an
4 inmate's ability to access care at the unit in a timely manner, and,
5 if the unit is accredited by a national accrediting body, the most
6 recent accreditation review date; and

7 (12) dates and agendas for quarterly committee
8 meetings and the minutes from previous committee meetings.

9 (b) The committee shall make the information described by
10 Subsection (a) available on the committee's website and, on
11 request, in writing. The committee shall cooperate with the
12 department and the health care providers to ensure that the
13 committee's website:

14 (1) is linked to the websites of the department and the
15 health care providers;

16 (2) is accessible through the State of Texas website;
17 and

18 (3) can be located through common search engines.

19 (c) In determining the specific information to be made
20 available under this section, the committee shall cooperate with
21 the department to ensure that public disclosure of the information
22 would not pose a security threat to any individual or to the
23 criminal justice system.

24 SECTION 32. Subchapter B, Chapter 507, Government Code, is
25 amended by adding Section 507.028 to read as follows:

26 Sec. 507.028. SCREENING FOR AND EDUCATION CONCERNING FETAL
27 ALCOHOL EXPOSURE DURING PREGNANCY. (a) The department shall

1 establish and use a screening program in state jail felony
2 facilities that is substantially similar to the program established
3 and used by the department under Section 501.059.

4 (b) The department shall provide to all female defendants
5 confined in state jail felony facilities an educational brochure
6 describing the risks and dangers of consuming alcohol during
7 pregnancy.

8 SECTION 33. Section 508.033, Government Code, is amended by
9 amending Subsections (a) through (d) and adding Subsection (f) to
10 read as follows:

11 (a) A person is not eligible for appointment as a member of
12 the board or for employment as a parole commissioner if the person
13 or the person's spouse:

14 (1) is employed by or participates in the management
15 of a business entity or other organization receiving funds from the
16 department or the board;

17 (2) owns or controls, directly or indirectly, more
18 than a 10-percent interest in a business entity or other
19 organization:

20 (A) regulated by the department; or

21 (B) receiving funds from the department or the
22 board; or

23 (3) uses or receives a substantial amount of tangible
24 goods, services, or funds from the department or the board, other
25 than compensation or reimbursement authorized by law for board
26 membership, attendance, or expenses.

27 (b) In determining eligibility under Subsection (a)(3), the

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1 compensation or reimbursement that a board member's spouse or
2 parole commissioner's spouse receives as an employee of the board
3 or the department may not be considered. This subsection does not
4 affect any restriction on employment or board membership imposed by
5 any other law.

6 (c) A person may not serve as a parole commissioner, may not
7 be a member of the board, and may not be an employee of the division
8 or the board employed in a "bona fide executive, administrative, or
9 professional capacity," as that phrase is used for purposes of
10 establishing an exemption to the overtime provisions of the federal
11 Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) and
12 its subsequent amendments, if:

13 (1) the person is an officer, employee, or paid
14 consultant of a Texas trade association in the field of criminal
15 justice; or

16 (2) the person's spouse is an officer, manager, or paid
17 consultant of a Texas trade association in the field of criminal
18 justice.

19 (d) A person who is required to register as a lobbyist under
20 Chapter 305 because of the person's activities for compensation in
21 or on behalf of a profession related to the operation of the board
22 may not:

23 (1) serve as a member of the board or as a parole
24 commissioner; or

25 (2) act as the general counsel to the board or
26 division.

27 (f) A person who is a current or former employee of the

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1 department may not serve as a parole commissioner before the second
2 anniversary of the date the person's employment with the department
3 ceases, and a member of the board may not serve as a parole
4 commissioner before the second anniversary of the date the person's
5 membership on the board ceases.

6 SECTION 34. Subsection (b), Section 508.036, Government
7 Code, is amended to read as follows:

8 (b) The board shall:

9 (1) adopt rules relating to the decision-making
10 processes used by the board and parole panels;

11 (2) prepare information of public interest describing
12 the functions of the board and make the information available to the
13 public and appropriate state agencies;

14 (3) comply with federal and state laws related to
15 program and facility accessibility; ~~and~~

16 (4) prepare annually a complete and detailed written
17 report that meets the reporting requirements applicable to
18 financial reporting provided in the General Appropriations Act and
19 accounts for all funds received and disbursed by the board during
20 the preceding fiscal year; and

21 (5) develop and implement policies that provide the
22 public with a reasonable opportunity to appear before the board and
23 to speak on any issue under the jurisdiction of the board, with the
24 exception of an individual parole determination or clemency
25 recommendation.

26 SECTION 35. Section 508.036, Government Code, is amended by
27 adding Subsection (e) to read as follows:

1 (e) The board, in accordance with the rules and procedures
2 of the Legislative Budget Board, shall prepare, approve, and submit
3 a legislative appropriations request that is separate from the
4 legislative appropriations request for the department and is used
5 to develop the board's budget structure. The board shall maintain
6 the board's legislative appropriations request and budget
7 structure separately from those of the department.

8 SECTION 36. Subchapter B, Chapter 508, Government Code, is
9 amended by adding Sections 508.053, 508.054, and 508.055 to read as
10 follows:

11 Sec. 508.053. USE OF TECHNOLOGY. The board shall implement
12 a policy requiring the board to use appropriate technological
13 solutions to improve the board's ability to perform its functions.
14 The policy must ensure that the public is able to interact with the
15 board on the Internet.

16 Sec. 508.054. RECORDS OF COMPLAINTS. (a) The board shall
17 maintain a system to promptly and efficiently act on complaints
18 filed with the board. The board shall maintain information about
19 parties to the complaint, the subject matter of the complaint, a
20 summary of the results of the review or investigation of the
21 complaint, and its disposition.

22 (b) The board shall make information available describing
23 its procedures for complaint investigation and resolution.

24 (c) The board shall periodically notify the complaint
25 parties of the status of the complaint until final disposition.

26 (d) This section does not apply to a complaint about an
27 individual parole determination or clemency recommendation.

1 Sec. 508.055. NEGOTIATED RULEMAKING AND ALTERNATIVE
2 DISPUTE RESOLUTION. (a) The board shall develop and implement a
3 policy to encourage the use of:

4 (1) negotiated rulemaking procedures under Chapter
5 2008 for the adoption of board rules; and

6 (2) appropriate alternative dispute resolution
7 procedures under Chapter 2009 to assist in the resolution of
8 internal disputes under the board's jurisdiction.

9 (b) The board's procedures relating to alternative dispute
10 resolution must conform, to the extent possible, to any model
11 guidelines issued by the State Office of Administrative Hearings
12 for the use of alternative dispute resolution by state agencies.

13 (c) The board shall designate a trained person to:

14 (1) coordinate the implementation of the policy
15 adopted under Subsection (a);

16 (2) serve as a resource for any training needed to
17 implement the procedures for negotiated rulemaking or alternative
18 dispute resolution; and

19 (3) collect data concerning the effectiveness of those
20 procedures, as implemented by the board.

21 SECTION 37. Subchapter D, Chapter 508, Government Code, is
22 amended by adding Section 508.1131 to read as follows:

23 Sec. 508.1131. SALARY CAREER LADDER FOR PAROLE OFFICERS.

24 (a) The executive director shall adopt a salary career ladder for
25 parole officers. The salary career ladder must base a parole
26 officer's salary on the officer's classification and years of
27 service with the department.

1 (b) For purposes of the salary schedule, the department
2 shall classify all parole officer positions as Parole Officer I,
3 Parole Officer II, Parole Officer III, Parole Officer IV, or Parole
4 Officer V.

5 (c) Under the salary career ladder adopted under Subsection
6 (a), a parole officer to whom the schedule applies and who received
7 an overall evaluation of at least satisfactory in the officer's
8 most recent annual evaluation is entitled to an annual salary
9 increase, during each of the officer's first 10 years of service in
10 a designated parole officer classification as described by
11 Subsection (b), equal to one-tenth of the difference between:

- 12 (1) the officer's current annual salary; and
- 13 (2) the minimum annual salary of a parole officer in
14 the next highest classification.

15 SECTION 38. Subdivision (1), Subsection (g), Section
16 508.117, Government Code, is amended to read as follows:

17 (1) "Close relative of a deceased victim" means a
18 person who was:

19 (A) the spouse of the victim at the time of the
20 victim's death;

21 (B) a parent of the deceased victim; ~~[or]~~

22 (C) an adult brother, sister, or child of the
23 deceased victim; or

24 (D) the nearest relative of the deceased victim
25 by consanguinity, if the persons described by Paragraphs (A)
26 through (C) are deceased or are incapacitated due to physical or
27 mental illness or infirmity.

1 SECTION 39. Section 508.144, Government Code, is amended by
2 amending Subsections (a) and (b) and adding Subsections (d), (e),
3 and (f) to read as follows:

4 (a) The board shall:

5 (1) develop according to an acceptable research method
6 the parole guidelines that are the basic criteria on which a parole
7 decision is made;

8 (2) base the guidelines on the seriousness of the
9 offense and the likelihood of a favorable parole outcome;

10 (3) ensure that the guidelines require consideration
11 of an inmate's progress in any programs in which the inmate
12 participated during the inmate's term of confinement; and

13 (4) implement the guidelines [~~and~~
14 [~~(4) review the guidelines periodically~~].

15 (b) If a board member or parole commissioner deviates from
16 the parole guidelines in voting on a parole decision, the member or
17 parole commissioner shall:

18 (1) produce a [~~brief~~] written statement describing in
19 detail the specific circumstances regarding the departure from the
20 guidelines; [~~and~~]

21 (2) place a copy of the statement in the file of the
22 inmate for whom the parole decision was made; and

23 (3) provide a copy of the statement to the inmate.

24 (d) The board shall meet annually to review and discuss the
25 parole guidelines developed under Subsection (a). The board may
26 consult outside experts to assist with the review. The board must
27 consider:

1 (1) how the parole guidelines serve the needs of
2 parole decision-making;

3 (2) how well the parole guidelines reflect parole
4 panel decisions; and

5 (3) how well parole guidelines predict successful
6 parole outcomes.

7 (e) Based on the board's review of the parole guidelines
8 under Subsection (d), the board may:

9 (1) update the guidelines by:

10 (A) including new risk factors; or

11 (B) changing the values of offense severity or
12 risk factor scores; or

13 (2) modify the recommended parole approval rates under
14 the guidelines, if parole approval rates differ significantly from
15 the recommended rates.

16 (f) The board is not required to hold an open meeting to
17 review the guidelines as required by Subsection (d), but any
18 modifications or updates to the guidelines made by the board under
19 Subsection (e) must occur in an open meeting.

20 SECTION 40. Subchapter E, Chapter 508, Government Code, is
21 amended by adding Section 508.1445 to read as follows:

22 Sec. 508.1445. ANNUAL REPORT ON GUIDELINES REQUIRED.

23 (a) The board annually shall submit a report to the Criminal
24 Justice Legislative Oversight Committee, the lieutenant governor,
25 the speaker of the house of representatives, and the presiding
26 officers of the standing committees in the senate and house of
27 representatives primarily responsible for criminal justice

1 regarding the board's application of the parole guidelines adopted
2 under Section 508.144.

3 (b) The report must include:

4 (1) a brief explanation of the parole guidelines,
5 including how the board:

6 (A) defines the risk factors and offense severity
7 levels; and

8 (B) determines the recommended parole approval
9 rates for each guideline score;

10 (2) a comparison of the recommended approval rates
11 under the parole guidelines to the actual approval rates for
12 individual parole panel members, regional offices, and the state as
13 a whole; and

14 (3) a description of instances in which the actual
15 parole approval rates do not meet the recommended approval rates
16 under the parole guidelines, an explanation of the variations, and
17 a list of actions that the board has taken or will take to meet the
18 guidelines.

19 SECTION 41. Subsection (c), Section 508.155, Government
20 Code, is amended to read as follows:

21 (c) The division may allow a releasee to serve the remainder
22 of the releasee's sentence without supervision and without being
23 required to report if a parole supervisor at the regional level has
24 approved the releasee's early release from supervision under
25 Section 508.1555[+

26 ~~[(1) the releasee has been under supervision for at~~
27 ~~least one-half of the time that remained on the releasee's sentence~~

1 ~~when the releasee was released from imprisonment,~~

2 ~~[(2) during the period of supervision the releasee's~~
3 ~~parole or release to mandatory supervision has not been revoked,~~
4 ~~and~~

5 ~~[(3) the division determines:~~

6 ~~[(A) that the releasee has made a good faith~~
7 ~~effort to comply with any restitution order imposed on the releasee~~
8 ~~by a court, and~~

9 ~~[(B) that allowing the releasee to serve the~~
10 ~~remainder of the releasee's sentence without supervision and~~
11 ~~reporting is in the best interest of society].~~

12 SECTION 42. Subchapter E, Chapter 508, Government Code, is
13 amended by adding Section 508.1555 to read as follows:

14 Sec. 508.1555. PROCEDURE FOR THE EARLY RELEASE FROM
15 SUPERVISION OF CERTAIN RELEASEES. (a) A parole officer annually
16 shall identify the releasees under the parole officer's supervision
17 who are eligible for early release from supervision under Section
18 508.155(c). A releasee is eligible for early release if:

19 (1) the releasee has been under supervision for at
20 least one-half of the time that remained on the releasee's sentence
21 when the releasee was released from imprisonment;

22 (2) during the preceding two-year period, the releasee
23 has not committed any violation of the rules or conditions of
24 release;

25 (3) during the period of supervision the releasee's
26 parole or release to mandatory supervision has not been revoked;
27 and

1 (4) the division determines:

2 (A) that the releasee has made a good faith
3 effort to comply with any restitution order imposed on the releasee
4 by a court; and

5 (B) that allowing the releasee to serve the
6 remainder of the releasee's sentence without supervision and
7 reporting is in the best interest of society.

8 (b) After identifying any releasees who are eligible for
9 early release under Subsection (a), the parole officer shall review
10 the eligible releasees, including any releasees the parole officer
11 has previously declined to recommend for early release, to
12 determine if a recommendation for early release from supervision is
13 appropriate. In conducting the review and determining
14 recommendations, the parole officer shall consider whether the
15 releasee:

16 (1) has a low risk of recidivism as determined by an
17 assessment developed by the department; and

18 (2) has made a good faith effort to comply with the
19 conditions of release.

20 (c) A parole officer shall forward to the parole supervisor
21 at the regional level any recommendations for early release the
22 parole officer makes under Subsection (b). If the parole
23 supervisor approves the recommendation, the division shall allow a
24 releasee to serve the remainder of the releasee's sentence without
25 supervision and without being required to report as authorized by
26 Section 508.155.

27 SECTION 43. Subchapter B, Chapter 659, Government Code, is

1 amended by adding Section 659.0155 to read as follows:

2 Sec. 659.0155. PAYMENT TO EMPLOYEES OF TEXAS DEPARTMENT OF
3 CRIMINAL JUSTICE FOR OVERTIME. The Texas Department of Criminal
4 Justice shall compensate a person employed by the department for
5 any overtime accrued by the employee for which the employee is
6 entitled to compensation under Section 659.015 in the same month
7 the department compensates employees at the regular rate of pay for
8 the period in which the employee accrued the overtime.

9 SECTION 44. Subsection (a), Section 614.0032, Health and
10 Safety Code, is amended to read as follows:

11 (a) The office shall perform duties imposed on the office by
12 Section 508.146, Government Code, and Section 15(i), Article 42.12,
13 Code of Criminal Procedure.

14 SECTION 45. Section 32.024, Human Resources Code, is
15 amended by adding Subsection (dd) to read as follows:

16 (dd) Notwithstanding any other law, an inmate released on
17 medically recommended intensive supervision under Section 508.146,
18 Government Code, who otherwise meets the eligibility requirements
19 for the medical assistance program is not ineligible for the
20 program solely on the basis of the conviction or adjudication for
21 which the inmate was sentenced to confinement.

22 SECTION 46. Subchapter D, Chapter 110, Occupations Code, is
23 amended by adding Section 110.164 to read as follows:

24 Sec. 110.164. DYNAMIC RISK ASSESSMENT TOOL. (a) The
25 council shall develop or adopt a dynamic risk assessment tool to be
26 used in determining the likelihood that a person who is confined in
27 a penal institution and will become subject to Chapter 62, Code of

1 Criminal Procedure, on being released from the institution will
2 commit an offense described by Article 62.001(5), Code of Criminal
3 Procedure, after being released from the institution.

4 (b) The dynamic risk assessment tool must enable the
5 assignment to a person of a risk level of low, medium, or high.

6 SECTION 47. Subsection (c), Section 110.302, Occupations
7 Code, is amended to read as follows:

8 (c) The [~~Texas Board of Criminal Justice or the~~] governing
9 board of the Texas Youth Commission may vote to exempt employees of
10 the [~~Texas Department of Criminal Justice or the~~] Texas Youth
11 Commission[~~, as appropriate,~~] from a specific licensing
12 requirement imposed under this section if the board determines that
13 the requirement causes financial or operational hardship on the
14 agency. The Texas Board of Criminal Justice may not exempt any
15 employee of the Texas Department of Criminal Justice from a
16 licensing requirement imposed by this section for any reason.

17 SECTION 48. Subsection (a), Section 721.003,
18 Transportation Code, is amended to read as follows:

19 (a) The governing bodies of the following state agencies or
20 divisions by rule may exempt from the requirements of Section
21 721.002 a motor vehicle that is under the control and custody of the
22 agency or division:

- 23 (1) Texas Commission on Fire Protection;
24 (2) Texas State Board of Pharmacy;
25 (3) [~~Texas~~] Department of State Health Services and
26 Department of Aging and Disability Services [~~Mental Health and~~
27 ~~Mental Retardation~~];

- 1 (4) Department of Public Safety of the State of Texas;
- 2 (5) [~~the institutional division or the pardons and~~
- 3 ~~paroles division of the~~] Texas Department of Criminal Justice;
- 4 (6) Board of Pardons and Paroles;
- 5 (7) Parks and Wildlife Department;
- 6 (8) Railroad Commission of Texas;
- 7 (9) Texas Alcoholic Beverage Commission;
- 8 (10) Texas Department of Banking;
- 9 (11) [~~Savings and Loan~~] Department of Savings and
- 10 Mortgage Lending;
- 11 (12) Texas Juvenile Probation Commission;
- 12 (13) Texas [~~Natural Resource Conservation~~] Commission
- 13 on Environmental Quality;
- 14 (14) Texas Youth Commission;
- 15 (15) Texas Lottery Commission;
- 16 (16) the office of the attorney general;
- 17 (17) Texas Department of Insurance; and
- 18 (18) an agency that receives an appropriation under an
- 19 article of the General Appropriations Act that appropriates money
- 20 to the legislature.

21 SECTION 49. (a) The Texas Department of Criminal Justice

22 shall study the operation and maintenance of different types of

23 electronic monitoring equipment. The study conducted under this

24 subsection must examine:

- 25 (1) the relative cost-effectiveness of using various
- 26 types of electronic monitoring equipment and funding proposals for
- 27 costs to the department associated with the various types of

1 equipment;

2 (2) the relative level of supervision provided by
3 different types of electronic monitoring equipment; and

4 (3) the different rehabilitation and treatment
5 options afforded by different types of electronic monitoring
6 equipment.

7 (b) Not later than December 1, 2009, the Texas Department of
8 Criminal Justice shall submit a report summarizing the findings of
9 the study conducted under Subsection (a) of this section to the
10 governor, the lieutenant governor, the speaker of the house of
11 representatives, and appropriate standing committees of the
12 legislature.

13 SECTION 50. (a) The Texas Department of Criminal Justice
14 shall conduct a study regarding:

15 (1) the number of inmates confined in facilities
16 operated by or under contract with the department who pose no
17 significant risk of recidivism or danger to society due to the:

18 (A) inmate's age or health;

19 (B) nature of the crime committed by the inmate;

20 or

21 (C) reasonably successful rehabilitation of the
22 inmate while incarcerated;

23 (2) alternatives to confining inmates described by
24 Subdivision (1) of this subsection in a facility operated by or
25 under contract with the department;

26 (3) to the extent permitted by federal law, the
27 possibility of conducting a prisoner exchange with the United

1 Mexican States or another foreign country in which foreign
2 nationals in the custody of the department are exchanged for United
3 States citizens incarcerated in another country; and

4 (4) measures that the department can take to assure
5 that inmates sent to a foreign country under a prisoner exchange
6 described by Subdivision (3) of this subsection will not be
7 released early.

8 (b) The Texas Department of Criminal Justice shall submit a
9 report to the members of the 81st Legislature regarding the results
10 of the study conducted under Subsection (a) of this section.

11 SECTION 51. The change in law made by this Act to Subsection
12 (a), Article 15.19, and Articles 15.20 and 15.21, Code of Criminal
13 Procedure, apply only to a person who, on or after the effective
14 date of this Act, is arrested under a warrant, regardless of the
15 date on which the warrant under which the person is arrested was
16 issued.

17 SECTION 52. The change in law made by this Act to Subsection
18 (a), Section 8, Article 42.09, Code of Criminal Procedure, applies
19 only to a defendant transferred to the Texas Department of Criminal
20 Justice on or after the effective date of this Act. A defendant
21 transferred to the department before the effective date of this Act
22 is covered by the law in effect when the defendant is transferred,
23 and the former law is continued in effect for that purpose.

24 SECTION 53. Subsection (b), Section 5, Article 42.12, Code
25 of Criminal Procedure, as amended by this Act, applies to a hearing
26 conducted under that section on or after the effective date of this
27 Act, regardless of when the adjudication of guilt was originally

1 deferred or when the offense giving rise to the grant of deferred
2 adjudication community supervision was committed.

3 SECTION 54. The change in law made by this Act in amending
4 Subdivision (1), Subsection (a), Section 15, Article 42.12, Code of
5 Criminal Procedure, applies only to a defendant placed on deferred
6 adjudication community supervision for an offense committed on or
7 after the effective date of this Act. A defendant placed on
8 deferred adjudication for an offense committed before the effective
9 date of this Act is covered by the law in effect when the offense was
10 committed, and the former law is continued in effect for that
11 purpose. For purposes of this section, an offense was committed
12 before the effective date of this Act if any element of the offense
13 was committed before that date.

14 SECTION 55. (a) The speaker of the house of
15 representatives and the lieutenant governor shall appoint members
16 to the Criminal Justice Legislative Oversight Committee under
17 Chapter 328, Government Code, as added by this Act, not later than
18 January 1, 2008.

19 (b) Notwithstanding Section 328.003, Government Code, as
20 added by this Act, the speaker of the house of representatives, not
21 later than January 15, 2008, shall appoint a presiding officer for
22 the committee. The presiding officer appointed by the speaker of
23 the house of representatives under this section serves a one-year
24 term that begins on February 1, 2008, and ends on February 1, 2009.

25 SECTION 55A. Section 493.0151, Government Code, as added by
26 this Act, applies to an inmate discharged or released on parole or
27 mandatory supervision from the Texas Department of Criminal Justice

1 on or after the effective date of this Act, regardless of whether
2 the offense for which the inmate is serving a sentence was committed
3 before, on, or after the effective date of this Act.

4 SECTION 56. Sections 495.025 and 495.026, Government Code,
5 as added by this Act, apply only to a contract that the Texas
6 Department of Criminal Justice enters into on or after the
7 effective date of this Act. A contract that the department enters
8 into before the effective date of this Act is governed by the law in
9 effect at the time the contract is entered into, and that law is
10 continued in effect for that purpose.

11 SECTION 57. Not later than March 1, 2008, the Texas
12 Department of Criminal Justice shall establish the screening
13 programs concerning fetal alcohol exposure under Sections 501.059
14 and 507.028, Government Code, as added by this Act. Not later than
15 September 1, 2008, the department shall begin screening all inmates
16 or defendants confined in state jail felony facilities as required
17 by those sections.

18 SECTION 58. The Texas Department of Criminal Justice shall
19 ensure that information is made available to inmates as required by
20 Section 501.064, Government Code, as added by this Act, not later
21 than March 1, 2008.

22 SECTION 59. The Correctional Managed Health Care Committee
23 shall ensure that information is made available to the public as
24 required by Section 501.155, Government Code, as added by this Act,
25 not later than January 1, 2008.

26 SECTION 60. Section 508.033, Government Code, as amended by
27 this Act, applies only to a person hired by the Board of Pardons and

1 Paroles as a parole commissioner on or after the effective date of
2 this Act. A person hired as a parole commissioner before the
3 effective date of this Act is covered by the law in effect on the
4 date the person was hired, and the former law is continued in effect
5 for that purpose.

6 SECTION 61. As soon as practicable after the effective date
7 of this Act, but not later than the 30th day after that date, the
8 executive director of the Texas Department of Criminal Justice
9 shall adopt a salary career ladder for parole officers as required
10 by Section 508.1131, Government Code, as added by this Act.
11 Beginning the first day of the month following the date on which the
12 executive director adopts the salary career ladder, each parole
13 officer to whom the schedule applies and who received an overall
14 evaluation of at least satisfactory in the officer's most recent
15 annual evaluation is entitled to a salary in an amount that meets or
16 exceeds the amount specified in the schedule for the officer's
17 classification and years of service with the department.

18 SECTION 62. Subsection (b), Section 508.144, Government
19 Code, as amended by this Act, applies only to a parole decision made
20 on or after the effective date of this Act. A parole decision made
21 before the effective date of this Act is covered by the law in
22 effect on the date the decision was made, and the former law is
23 continued in effect for that purpose.

24 SECTION 63. Not later than September 1, 2008, the Board of
25 Pardons and Paroles shall hold its first annual meeting to review
26 the parole guidelines as required by Subsection (d), Section
27 508.144, Government Code, as added by this Act.

1 SECTION 64. Not later than December 1, 2008, the Board of
2 Pardons and Paroles shall submit its first annual report on the
3 parole guidelines as required by Section 508.1445, Government Code,
4 as added by this Act.

5 SECTION 65. Subsection (c), Section 508.155, Government
6 Code, as amended by this Act, applies to any person who is a
7 releasee on or after the effective date of this Act and whose
8 recommendation for release is approved under Section 508.1555,
9 Government Code, as added by this Act, regardless of when the person
10 was originally released to parole or mandatory supervision.

11 SECTION 66. Not later than September 1, 2008, each parole
12 officer shall complete the officer's first annual identification of
13 releasees under the officer's supervision who are eligible for
14 early release from supervision, as required by Section 508.1555,
15 Government Code, as added by this Act.

16 SECTION 67. If before implementing any provision of this
17 Act a state agency determines that a waiver or authorization from a
18 federal agency is necessary for the implementation of that
19 provision, the agency affected by the provision shall request the
20 waiver or authorization and may delay implementing that provision
21 until the waiver or authorization is granted.

22 SECTION 68. This Act takes effect immediately if it
23 receives a vote of two-thirds of all the members elected to each
24 house, as provided by Section 39, Article III, Texas Constitution.
25 If this Act does not receive the vote necessary for immediate
26 effect, this Act takes effect September 1, 2007.

8
1000

S.B. No. 909

David Bushurst
President of the Senate

Jim Caddick
Speaker of the House

I hereby certify that S.B. No. 909 passed the Senate on April 26, 2007, by the following vote: Yeas 31, Nays 0; May 25, 2007, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2007, House granted request of the Senate; May 27, 2007, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

Patsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 909 passed the House, with amendments, on May 23, 2007, by the following vote: Yeas 137; Nays 7, two present not voting; May 26, 2007, House granted request of the Senate for appointment of Conference Committee; May 28, 2007, House adopted Conference Committee Report by the following vote: Yeas 144, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

15 JUN 07
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8 PM O'CLOCK

JUN 15 2007
Roger Williams
Secretary of State