CHAPTER 1154

S.B. No. 213

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

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

SECTION 1. Section 492.012, Government Code, is amended to read as follows:

Sec. 492.012. SUNSET PROVISION. The Texas Board of Criminal Justice and the Texas Department of Criminal Justice are subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2021 [2033].

SECTION 2. Chapter 493, Government Code, is amended by adding Section 493.031 to read as follows:

Sec. 493.031. CASE MANAGEMENT COMMITTEES. (a) Each facility under the oversight of the correctional institutions division shall establish a case management committee to assess each inmate in the facility and ensure the inmate is receiving appropriate services or participating in appropriate programs. The case management committee shall:

(1) review each individualized treatment plan adopted under Section 508.152 for an inmate in the facility and, as applicable, discuss with the inmate a possible treatment plan,
including participation in any program or service that may be available through the department, the Windham School District, or any volunteer organization; and

(2) meet with each inmate in the facility at the time of the inmate's initial placement in the facility and at any time in which the committee seeks to reclassify the inmate based on the inmate's refusal to participate in a program or service recommended by the committee.

(b) A case management committee must include the members of the unit classification committee. In addition to those members, a case management committee may include any of the following members, based on availability and inmate needs:

(1) an employee whose primary duty involves providing rehabilitation and reintegration programs or services;

(2) an employee whose primary duty involves providing vocational training or educational services to inmates;

(3) an employee whose primary duty involves providing medical care or mental health care treatment to inmates; or

(4) a representative of a faith-based or volunteer organization.

SECTION 3. Section 501.092, Government Code, as added by Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

Sec. 501.092. COMPREHENSIVE REENTRY AND REINTEGRATION PLAN FOR OFFENDERS. (a) The department shall develop and adopt a comprehensive plan to reduce recidivism and ensure the successful reentry and reintegration of offenders into the community following
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an offender's release or discharge from a correctional facility.

(b) The reentry and reintegration plan adopted under this section must provide for:

(1) incorporate the use of the risk and needs assessment instrument adopted under Section 501.0921 [an assessment of offenders entering a correctional facility to determine which skills the offender needs to develop to be successful in the community following release or discharge];

(2) provide for programs that address the assessed needs of offenders;

(3) provide for a comprehensive network of transition programs to address the needs of offenders released or discharged from a correctional facility;

(4) identify and define the transition services that are to be provided by the department and which offenders are eligible for those services;

(5) coordinate the provision of reentry and reintegration services provided to offenders through state-funded and volunteer programs across divisions of the department to:

(A) target eligible offenders efficiently; and

(B) ensure maximum use of existing facilities, personnel, equipment, supplies, and other resources;

(6) provide for collecting and maintaining data regarding the number of offenders who received reentry and reintegration services and the number of offenders who were eligible for but did not receive those services, including offenders who did not participate in those services;
(7) provide for evaluating the effectiveness of the reentry and reintegration services provided to offenders by collecting, maintaining, and reporting outcome information, including recidivism data as applicable;

(8) identify providers of existing local programs and transitional services with whom the department may contract under Section 495.028 to implement the reentry and reintegration plan; and

(9) subject to Subsection (f), provide for the sharing of information between local coordinators, persons with whom the department contracts under Section 495.028, and other providers of services as necessary to adequately assess and address the needs of each offender.

(c) The department, in consultation with the Board of Pardons and Paroles and the Windham School District, shall establish the role of each entity in providing reentry and reintegration services. The reentry and reintegration plan adopted under this section must include, with respect to the department, the Board of Pardons and Paroles, and the Windham School District:

(1) the reentry and reintegration responsibilities and goals of each entity, including the duties of each entity to administer the risk and needs assessment instrument adopted under Section 501.0921;

(2) the strategies for achieving the goals identified by each entity; and

(3) specific timelines for each entity to implement the components of the reentry and reintegration plan for which the
entity is responsible.

(d) The department shall regularly evaluate the reentry and reintegration plan adopted under this section. Not less than once in each three-year period following the adoption of the plan, the department shall update the plan.

(e) The department shall provide a copy of the initial reentry and reintegration plan adopted under this section and each evaluation and revision of the plan to the board, the Windham School District, and the Board of Pardons and Paroles.

(f) An offender's personal health information may be disclosed under Subsection (b)(9) only if:

(1) the offender consents to the disclosure; and

(2) the disclosure does not violate the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) or other state or federal law.

(g) The programs provided under Subsections (b)(2) and (3) must:

(1) be implemented by highly skilled staff who are experienced in working with inmate reentry and reintegration programs;

(2) provide offenders with:

(A) individualized case management and a full continuum of care;

(B) life-skills training, including information about budgeting, money management, nutrition, and exercise;

(C) education and, if an offender has a learning disability, special education;
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(D) employment training;
(E) appropriate treatment programs, including substance abuse and mental health treatment programs; and
(F) parenting and relationship building classes;

and

(3) be designed to build for former offenders post-release and post-discharge support from the community into which an offender is released or discharged, including support from agencies and organizations within that community.

(h) In developing the reentry and reintegration plan adopted under this section, the department shall ensure that the reentry program for long-term inmates under Section 501.096 and the reintegration services provided under Section 501.097 are incorporated into the plan.

(i) Not later than September 1 of each even-numbered year, the department shall deliver a report of the results of evaluations conducted under Subsection (b)(7) to the lieutenant governor, the speaker of the house of representatives, and each standing committee of the senate and house of representatives having primary jurisdiction over the department.

SECTION 4. Subchapter C, Chapter 501, Government Code, is amended by adding Section 501.0921 to read as follows:

Sec. 501.0921. RISK AND NEEDS ASSESSMENT INSTRUMENT.
(a) The department shall adopt a standardized instrument to assess, based on criminogenic factors, the risks and needs of each offender within the adult criminal justice system.

(b) The department shall make the risk and needs assessment
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instrument available for use by each community supervision and
corrections department established under Chapter 76.

(c) The department and the Windham School District shall
jointly determine the duties of each entity with respect to
implementing the risk and needs assessment instrument in order to
efficiently use existing assessment processes.

(d) The department shall specify a timeline for the testing,
adoption, and implementation of the risk and needs assessment
instrument. The department's timeline must provide for the use of
the instrument to be fully implemented not later than January 1,
2015. This subsection expires January 1, 2016.

SECTION 5. Section 501.098, Government Code, as added by
Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular
Session, 2009, is reenacted and amended to read as follows:

Sec. 501.098. REENTRY TASK FORCE. (a) The department
shall establish a reentry task force and shall coordinate the work
of the task force with the Office of Court Administration. The
executive director shall ensure that the task force includes
representatives of[... and by rule shall enter into a memorandum of
understanding with] the following entities [to establish a reentry
task force]:

(1) the Texas Juvenile Justice Department [Youth
Commission];

(2) the Texas Workforce Commission;

(3) the Department of Public Safety;

(4) the Texas Department of Housing and Community
Affairs;
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(5) the Texas Correctional Office on Offenders with Medical or Mental Impairments;

(6) the Health and Human Services Commission;

(7) the Texas Judicial Council; [and]

(8) the Board of Pardons and Paroles;

(9) the Windham School District;

(10) the Texas Commission on Jail Standards;

(11) the Department of State Health Services;

(12) the Texas Court of Criminal Appeals;

(13) the County Judges and Commissioners Association of Texas;

(14) the Sheriffs' Association of Texas;

(15) the Texas District and County Attorneys Association; and

(16) the Texas Conference of Urban Counties.

(b) The executive director shall appoint a representative from each of the following entities to serve on the reentry task force:

(1) a community supervision and corrections department established under Chapter 76;

(2) an organization that advocates on behalf of offenders;

(3) a local reentry planning entity; and

(4) a statewide [an] organization [selected by the department] that advocates for or provides reentry or reintegration services to offenders following their release or discharge from a correctional facility.
(c) To the extent feasible, the executive director shall ensure that the membership of the reentry task force reflects the geographic diversity of this state and includes members of both rural and urban communities.

(d) The executive director may appoint additional members as the executive director determines necessary.

(e) The reentry task force shall [established under Subsection (a) may):

(1) identify gaps in services for offenders following their release or discharge to rural or urban communities in the areas of employment, housing, substance abuse treatment, medical care, and any other areas in which the offenders need special services; and

(2) coordinate with providers of existing local reentry and reintegration programs, including programs operated by a municipality or county, to make recommendations regarding the provision of comprehensive services to offenders following their release or discharge to rural or urban communities.

(f) In performing its duties under Subsection (e), the reentry task force shall:

(1) identify:

(A) specific goals of the task force;

(B) specific deliverables of the task force, including the method or format in which recommendations under Subsection (e)(2) will be made available; and

(C) the intended audience or recipients of the items described by Paragraph (B);
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(2) specify the responsibilities of each entity represented on the task force regarding the goals of the task force;

and

(3) specify a timeline for achieving the task force's goals and producing the items described by Subdivision (1)(B).

SECTION 6. Section 501.131, Government Code, is amended to read as follows:

Sec. 501.131. DEFINITIONS [DEFINITION]. In this subchapter:

(1) "Committee" means the Correctional Managed Health Care Committee.

(2) "Contracting entity" means an entity that contracts with the department to provide health care services under this chapter.

(3) "Medical school" means the medical school at The University of Texas Health Science Center at Houston, the medical school at The University of Texas Health Science Center at Dallas, the medical school at The University of Texas Health Science Center at San Antonio, The University of Texas Medical Branch at Galveston, the Texas Tech University Health Sciences Center, the Baylor College of Medicine, the college of osteopathic medicine at the University of North Texas Health Science Center at Fort Worth, or The Texas A&M University System Health Science Center.

SECTION 7. Section 501.133, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The committee consists of nine [five] voting members and
1 one nonvoting member as follows:
2   (1) one member employed full-time by the department, appointed by the executive director;
3   (2) one member who is a physician and employed full-time by The University of Texas Medical Branch at Galveston, appointed by the president of the medical branch;
4   (3) one member who is a physician and employed full-time by the Texas Tech University Health Sciences Center, appointed by the president of the university;
5   (4) two members who are physicians, each of whom is employed full-time by a medical school other than The University of Texas Medical Branch at Galveston or the Texas Tech University Health Sciences Center, appointed by the governor;
6   (5) two members appointed by the governor who are licensed mental health professionals;
7   (6) two public members appointed by the governor who are not affiliated with the department or with any contracting entity [with which the committee has contracted to provide health care services under this chapter], at least one of whom is licensed to practice medicine in this state; and
8   (7) [45+] the state Medicaid director or a person employed full-time by the Health and Human Services Commission and appointed by the Medicaid director, to serve ex officio as a nonvoting member.
9   (c) A committee member appointed under Subsection (a)(7) shall assist the department with developing the expertise needed to accurately assess health care costs and determine appropriate
SECTION 8. Section 501.136, Government Code, is amended to read as follows:

Sec. 501.136. APPOINTMENT; TERMS OF OFFICE; VACANCY. (a) The two committee members appointed under Section 501.133(a)(4) serve concurrent four-year terms expiring on February 1 following the fourth anniversary of the date of appointment. On the expiration of the terms, the governor shall appoint one member from each of the next two medical schools that, based on an alphabetical listing of the names of the medical schools, follow the medical schools that employ the vacating members. A medical school may not be represented at any given time by more than one member appointed under Section 501.133(a)(4).

(b) The two committee members appointed under Section 501.133(a)(5) serve concurrent four-year terms expiring on February 1 following the fourth anniversary of the date of appointment.

(c) Public [Committee] members appointed under Section 501.133(a)(6) [by the governor] serve staggered four-year terms, with the term of one of those members expiring on February 1 of each odd-numbered year.

(d) Other committee members serve at the will of the appointing official or until termination of the member's employment with the entity the member represents.

(e) If a vacancy occurs, the appropriate appointing authority shall appoint a person, in the same manner as the original appointment, to serve for the remainder of the unexpired term. If a
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vacancy occurs in a position appointed under Section 501.133(a)(4), the governor shall appoint a physician employed by the same medical school as that of the vacating member.

SECTION 9. Section 501.146, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The committee shall develop and approve a managed health care plan for all persons confined by the department that includes:

1. specifies the types and general level of care to be provided to [the establishment of a managed health care provider network of physicians and hospitals that will serve the department as the exclusive health care provider for] persons confined [in institutions operated] by the department; and

2. ensures continued access to needed care in the correctional health care system [cost containment studies];

3. ensures management and utilization management studies performed for the department; and

4. concerning the establishment of criteria for hospitals, home health providers, or hospice providers, a provision requiring the managed health care plan to accept certification by the Medicare program under Title XVIII, Social Security Act (42 U.S.C. Section 1395 et seq.), and its subsequent amendments, as an alternative to accreditation by the Joint Commission on Accreditation of Healthcare Organizations.

(c) The committee shall provide expertise to the department, and may appoint subcommittees to assist the department.
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in developing policies and procedures for implementation of the
managed health care plan.

SECTION 10. Section 501.147, Government Code, is amended to
read as follows:

Sec. 501.14 7. POWERS AND DUTIES OF DEPARTMENT; AUTHORITY TO
CONTRACT. (a) The department, in cooperation with the contracting
entities, shall:

(1) establish a managed health care provider network
of physicians and hospitals to provide health care to persons
confined by the department; and

(2) evaluate and recommend to the board sites for new
medical facilities that appropriately support the managed health
care provider network.

(b) The department may:

(1) communicate with the legislature regarding the
financial needs of the correctional health care system;

(2) monitor the expenditures of a contracting entity
to ensure that those expenditures comply with applicable statutory
and contractual requirements;

(3) address problems found through monitoring
activities, including requiring corrective action if care does not
meet expectations as determined by those monitoring activities;

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

(5) enter into a contract with any entity to fully
implement the managed health care plan under this subchapter,
including contracting for health care services and the integration
of those services into the managed health care provider network;

(6) contract with an individual for financial consulting services and make use of financial monitoring of the managed health care plan to assist the department in determining an accurate capitation rate; and

(7) contract with an individual for actuarial consulting services to assist the department in determining trends in the health of the inmate population and the impact of those trends on future financial needs.

(c) In contracting for the implementation of the managed health care plan, the department shall:

(1) [A contract entered into under this subsection must] include provisions necessary to ensure that the contracting entity [The University of Texas Medical Branch at Galveston] is eligible for and makes reasonable efforts to participate in the purchase of prescription drugs under Section 3408, Public Health Service Act (42 U.S.C. Section 256b); and[

(2) [The department may contract with other governmental entities for similar health care services and integrate those services into the managed health care provider network.

(e) In contracting for implementation of the managed health care plan, the department] to the extent possible, [shall] integrate the managed health care provider network with the [public] medical schools [of this state] and the component and affiliated hospitals of those medical schools. [The contract must authorize The University of Texas Medical Branch at Galveston to
contract directly with the Texas Tech University Health Sciences Center for the provision of health care services. The Texas Tech University Health Sciences Center shall cooperate with The University of Texas Medical Branch at Galveston in its efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 2560d).

(d) For services that a governmental entity [the public medical schools and their components and affiliates] cannot provide, the department shall initiate a competitive bidding process for contracts with other providers for medical care to persons confined by the department.

(e) The department, in cooperation with the committee, may contract with an individual or firm for a biennial review of, and report concerning, expenditures under the managed health care plan. The review must be conducted by an individual or firm experienced in auditing the state's Medicaid expenditures and other medical expenditures. Not later than September 1 of each even-numbered year, the department shall submit a copy of a report under this section to the health care providers that are part of the managed health care provider network established under this subchapter, the Legislative Budget Board, the governor, the lieutenant governor, and the speaker of the house of representatives.

SECTION 11. Subchapter E, Chapter 501, Government Code, is amended by adding Section 501.1471 to read as follows:

Sec. 501.1471. REPORT. (a) Not later than the 30th day after the end of each fiscal quarter, the department shall submit to the Legislative Budget Board and the governor a report that
contains, for the preceding quarter:

(1) the actual and projected expenditures for the correctional health care system, including expenditures for unit and psychiatric care, hospital and clinical care, and pharmacy services;

(2) health care utilization and acuity data;

(3) other health care information as determined by the governor and the Legislative Budget Board; and

(4) the amount of cost savings realized as a result of contracting for health care services under this subchapter with a provider other than the Texas Tech University Health Sciences Center and The University of Texas Medical Branch.

(b) A contract entered into by the department for the provision of health care services must require the contracting entity to provide the department with necessary documentation to fulfill the requirements of this section.

SECTION 12. Subsections (a) and (b), Section 501.148, Government Code, are amended to read as follows:

(a) The committee may:

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

(2) [communicate with the department and the legislature regarding the financial needs of the correctional health care system];

[43] in conjunction with the department, monitor the expenditures of The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center to ensure that
these expenditures comply with applicable statutory and contractual requirements,

serve as a dispute resolution forum in the event of a disagreement relating to inmate health care services between:

(A) the department and the health care providers;

or

(B) contracting entities [The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center,

address problems found through monitoring activities by the department and health care providers, including requiring corrective action if care does not meet expectations as determined by those monitoring activities,

identify and address long-term needs of the correctional health care system]; and

report to the board [Texas Board of Criminal Justice] at the board's regularly scheduled meeting each quarter on the committee's policy recommendations[, the financial status of the correctional health care system, and corrective actions taken by or required of the department or the health care providers].

(b) The committee shall advise the department and the board as necessary, including providing medical expertise and assisting the department and the board in identifying system needs and resolving contract disputes [evaluate and recommend to the board sites for new medical facilities that appropriately support the managed health care provider network].

SECTION 13. Subsections (a) and (b), Section 501.1485,
Government Code, are amended to read as follows:

(a) The department, in cooperation with any contracting entity that is a medical school [The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center], shall develop and implement a training program for corrections medication aides that uses a curriculum specific to administering medication in a correctional setting.

(b) In developing the curriculum for the training program, the department and the medical school[, The University of Texas Medical Branch at Galveston, and the Texas Tech University Health Sciences Center] shall:

(1) consider the content of the curriculum developed by the American Correctional Association for certified corrections nurses; and

(2) modify as appropriate the content of the curriculum developed under Chapter 242, Health and Safety Code, for medication aides administering medication in convalescent and nursing homes and related institutions to produce content suitable for administering medication in a correctional setting.

SECTION 14. Subchapter E, Chapter 508, Government Code, is amended by adding Section 508.1411 to read as follows:

Sec. 508.1411. NOTIFICATION OF PAROLE PANEL DECISION.

(a) For each decision of a parole panel granting or denying the release of an inmate on parole, or denying the release of an inmate on mandatory supervision, the parole panel shall:

(1) produce a written statement, in clear and understandable language, that explains:
(A) the decision; and
(B) the reasons for the decision only to the extent those reasons relate specifically to the inmate;
(2) provide a copy of the statement to the inmate; and
(3) place a copy of the statement in the inmate's file.
(b) In a written statement produced under Subsection (a), the parole panel may withhold information that:
(1) is confidential and not subject to public disclosure under Chapter 552; or
(2) the parole panel considers to possibly jeopardize the health or safety of any individual.
(c) The board shall keep a copy of each statement produced under Subsection (a) in a central location.

SECTION 15. Section 508.144, Government Code, is amended to read as follows:
Sec. 508.144. PAROLE GUIDELINES AND RANGE OF RECOMMENDED PAROLE APPROVAL RATES. (a) The board shall:
(1) develop according to an acceptable research method the parole guidelines that are the basic criteria on which a parole decision is made;
(2) base the guidelines on the seriousness of the offense and the likelihood of a favorable parole outcome;
(3) ensure that the guidelines require consideration of an inmate's progress in any programs in which the inmate participated during the inmate's term of confinement; [and]
(4) establish and maintain a range of recommended parole approval rates for each category or score within the
guidelines; and

(5) implement the guidelines.

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

(1) produce a written statement describing in detail
the specific circumstances regarding the departure from the
guidelines;

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

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

(c) The board shall keep a copy of a statement made under
Subsection (b) in a central location.

(d) The board shall meet annually to review and discuss
the parole guidelines and range of recommended parole approval
rates [developed under Subsection (a)]. The board may consult
outside experts to assist with the review. The board shall
prioritize the use of outside experts, technical assistance, and
training in taking any action under Subsection (c). The board must
consider:

(1) how the parole guidelines and range of recommended
parole approval rates serve the needs of parole decision-making;
and

(2) the extent to which [how well] the parole
guidelines and range of recommended parole approval rates reflect
parole panel decisions [+] and

(3) how well parole guidelines] predict successful
parole outcomes.

(c) Based on the board's review of the parole guidelines under Subsection (b), the board may:

1. update the guidelines by:
   (A) including new risk factors; or
   (B) changing the values of offense severity or risk factor scores; or
2. modify the range of recommended parole approval rates under the guidelines, if parole approval rates differ significantly from the range of recommended parole approval rates.

(d) The board is not required to hold an open meeting to review the parole guidelines and range of recommended parole approval rates as required by Subsection (b), but any modifications or updates to the guidelines or range of recommended parole approval rates made by the board under Subsection (c) must occur in an open meeting.

SECTION 16. Subsection (b), Section 508.1445, Government Code, is amended to read as follows:

(b) The report must include:

1. a brief explanation of the parole guidelines, including how the board:
   (A) defines the risk factors and offense severity levels; and
   (B) determines the range of recommended parole approval rates for each guideline score;
2. a comparison of the range of recommended parole approval rates under the parole guidelines to the actual approval rates.
rates for individual parole panel members, regional offices, and the state as a whole; and

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

SECTION 17. The heading to Section 508.152, Government Code, is amended to read as follows:

Sec. 508.152. INDIVIDUAL TREATMENT PLAN [PROPOSED PROGRAM OF INSTITUTIONAL PROGRESS].

SECTION 18. Section 508.152, Government Code, is amended by amending Subsections (b) and (d) and adding Subsections (b-1) and (b-2) to read as follows:

(b) The department shall:

(1) establish for the inmate an individual treatment plan [a proposed program of measurable institutional progress]; and

(2) submit the plan [proposed program] to the board at the time of the board's consideration of the inmate's case for release.

(b-1) The department shall include in an inmate's individual treatment plan:

(1) a record of the inmate's institutional progress that includes the inmate's participation in any program, including an intensive volunteer program as defined by the department;

(2) the results of any assessment of the inmate, including any assessment made using the risk and needs assessment...
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instrument adopted under Section 501.0921 and any vocational,
educational, or substance abuse assessment;

(3) the dates on which the inmate must participate in
any subsequent assessment; and

(4) all of the treatment and programming needs of the
inmate, prioritized based on the inmate's assessed needs.

(b-2) At least once in every 12-month period, the department
shall review each inmate's individual treatment plan to assess the
inmate's institutional progress and revise or update the plan as
necessary.

(d) Before the inmate is approved for release on parole, the
inmate must agree to participate in the programs and activities
described by the individual treatment plan [proposed program of
measurable institutional progress].

SECTION 19. Section 508.281, Government Code, is amended by
adding Subsection (e) to read as follows:

(e) Any hearing required to be conducted by a parole panel
under this chapter may be conducted by a designated agent of the
board. The designated agent may make recommendations to a parole
panel that has responsibility for making a final determination.

SECTION 20. Chapter 509, Government Code, is amended by
adding Section 509.0041 to read as follows:

Sec. 509.0041. USE OF RISK AND NEEDS ASSESSMENT INSTRUMENT.
The division shall require each department to use the risk and needs
assessment instrument adopted by the Texas Department of Criminal
Justice under Section 501.0921 to assess each defendant at the time
of the defendant's initial placement on community supervision and
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at other times as required by the comprehensive reentry and reintegration plan adopted under Section 501.092.

SECTION 21. Subsection (b), Section 509.010, Government Code, is amended to read as follows:

(b) Before the 30th day before the date of the meeting, the division, the department that the facility is to serve, or a vendor proposing to operate the facility shall:

(1) publish by advertisement that is not less than 3-1/2 inches by 5 inches notice of the date, hour, place, and subject of the hearing required by Subsection (a) in three consecutive issues of a newspaper of, or in newspapers that collectively have, general circulation in the county in which the proposed facility is to be located; and

(2) mail a copy of the notice to each police chief, sheriff, city council member, mayor, county commissioner, county judge, school board member, state representative, and state senator who serves or represents the area in which the proposed facility is to be located, unless the proposed facility has been previously authorized to operate at a particular location as part of a community justice plan submitted by a community justice council under Section 509.007 [76.00d].

SECTION 22. Subsection (a), Section 509.011, Government Code, is amended to read as follows:

(a) If the division determines that a department complies with division standards and if the community justice council has submitted a community justice plan under Section 509.007 [76.00d] and the supporting information required by the division and the
division determines the plan and supporting information are acceptable, the division shall prepare and submit to the comptroller vouchers for payment to the department as follows:

(1) for per capita funding, a per diem amount for each felony defendant directly supervised by the department pursuant to lawful authority;

(2) for per capita funding, a per diem amount for a period not to exceed 182 days for each defendant supervised by the department pursuant to lawful authority, other than a felony defendant; and

(3) for formula funding, an annual amount as computed by multiplying a percentage determined by the allocation formula established under Subsection (f) times the total amount provided in the General Appropriations Act for payments under this subdivision.

SECTION 23. Chapter 509, Government Code, is amended by adding Sections 509.013 and 509.014 to read as follows:

Sec. 509.013. GRANT PROGRAM ADMINISTRATION. (a) In this section, "grant program" means a grant program administered by the division through which the division awards grants to departments through an application process.

(b) The division shall:

(1) establish goals for each grant program that are consistent with the purposes described by Section 509.002 and the mission of the division;

(2) establish grant application, review, award, and evaluation processes;

(3) establish the process by which and grounds on
which an applicant may appeal a decision of the division regarding a
grant application;

(4) establish and maintain a system to routinely
monitor grant performance;

(5) establish and make available to the public:
(A) all criteria used in evaluating grant
applications; and
(B) all factors used to measure grant program
performance;

(6) publish on the division's Internet website for
each grant awarded:
(A) the amount awarded;
(B) the method used in scoring the grant
applications and the results of that scoring; and
(C) additional information describing the
methods used to make the funding determination; and

(7) require each department to submit
program-specific outcome data for the division's use in making
grant awards and funding decisions.

Sec. 509.014. STUDY REGARDING PERFORMANCE-BASED FUNDING.
(a) The division shall:

(1) review the funding formulas specified under
Section 509.011 and study the feasibility of adopting
performance-based funding formulas, including whether the formulas
should take into consideration an offender's risk level or other
appropriate factors in allocating funding; and

(2) make recommendations for modifying the current
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funding formulas.

(b) In conducting the study and making recommendations under Subsection (a), the division shall:

(1) seek input from departments, the judicial advisory council established under Section 493.003(b), and other relevant interest groups; and

(2) in consultation with the Legislative Budget Board, determine the impact of any recommendations on the allocation of the division's funds as projected by the Legislative Budget Board.

(c) The division shall include in the reports prepared under Sections 509.004(c) and 509.016(c):

(1) the findings of the study;

(2) any recommendations regarding modifying the funding formulas; and

(3) the projected impact of the recommendations on the allocation of the division's funds.

SECTION 24. Article 42.01, Code of Criminal Procedure, is amended by adding Section 11 to read as follows:

Sec. 11. In addition to the information described by Section 1, the judgment should reflect whether a victim impact statement was returned to the attorney representing the state pursuant to Article 56.03(e).

SECTION 25. Subsection (e), Article 56.03, Code of Criminal Procedure, is amended to read as follows:

(e) Prior to the imposition of a sentence by the court in a criminal case, the court[; if it has received a victim impact statement] shall, as applicable in the case, inquire as to whether
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1 a victim impact statement has been returned to the attorney
2 representing the state and, if a victim impact statement has been
3 returned to the attorney representing the state, consider the
4 information provided in the statement. Before sentencing the
5 defendant, the court shall permit the defendant or the defendant's
6 [his] counsel a reasonable time to read the statement, excluding
7 the victim's name, address, and telephone number, comment on the
8 statement, and, with the approval of the court, introduce testimony
9 or other information alleging a factual inaccuracy in the
10 statement. If the court sentences the defendant to a term of
11 community supervision, the attorney representing the state [court]
12 shall forward any victim's impact statement received in the case to
13 the community supervision and corrections department supervising
14 the defendant[; along with the papers in the case].

SECTION 26. Article 56.04, Code of Criminal Procedure, is
amended by adding Subsection (d-1) and amending Subsection (e) to
read as follows:

(d-1) The victim services division of the Texas Department
of Criminal Justice, in consultation with the Board of Pardons and
Paroles, law enforcement agencies, prosecutors' offices, and other
participants in the criminal justice system, shall develop
recommendations to ensure that completed victim impact statements
are submitted to the Texas Department of Criminal Justice as
provided by this chapter.

(e) On inquiry by the court, the attorney representing the
state [The victim assistance coordinator] shall make available
[send] a copy of a victim impact statement for consideration by [the]
the court sentencing the defendant. If the court sentences the defendant to imprisonment in the Texas Department of Criminal Justice, the court shall attach the copy of the victim impact statement to the commitment papers.

SECTION 27. Chapter 19, Education Code, is amended by adding Section 19.0022 to read as follows:

Sec. 19.0022. SUNSET PROVISION. The Windham School District is subject to review under Chapter 325, Government Code (Texas Sunset Act). The district shall be reviewed during the period in which the Texas Department of Criminal Justice is reviewed.

SECTION 28. Section 19.0041, Education Code, is amended to read as follows:

Sec. 19.0041. PROGRAM DATA COLLECTION AND BIENNIAL EVALUATION AND REPORT [OF TRAINING SERVICES]. (a) To evaluate the effectiveness of its programs [training services provided to persons confined or imprisoned in the department], the Windham School District shall [consult with the Legislative Budget Board] compile and analyze information for each of its programs, including performance-based information and data related to academic, vocational training, and life skills programs [person who receives the training services]. This information shall include for each person who participates in district programs an evaluation of:

(1) institutional disciplinary violations;
(2) subsequent arrests;
(3) subsequent convictions or confinements;
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(4) the cost of confinement;
(5) educational achievement;
(6) high school equivalency examination passage;
(7) the kind of training services provided;
(8) the kind of employment the person obtains on release;
(9) whether the employment was related to training;
(10) the difference between the amount of the person's earnings on the date employment is obtained following release and the amount of those earnings on the first anniversary of that date; and
(11) the retention factors associated with the employment.

(b) The Windham School District shall use the information compiled and analyzed under Subsection (a) to biennially:

(1) evaluate whether its programs meet the goals under Section 19.003 and make changes to the programs as necessary; and

(2) submit an annual report to the board, the legislature, and the governor's office based on data compiled and analyzed under Subsection (a).

(c) The Windham School District may enter into a memorandum of understanding with the department, the Department of Public Safety, and the Texas Workforce Commission to obtain and share data necessary to evaluate district programs.

SECTION 29. The following provisions of the Government Code are repealed:
(1) Subsection (i), Section 493.009;
(2) Section 501.100; and
(3) Subsections (c) and (d), Section 501.148.

SECTION 30. Not later than October 1, 2013, each facility under the oversight of the correctional institutions division of the Texas Department of Criminal Justice shall establish a case management committee as required by Section 493.031, Government Code, as added by this Act.

SECTION 31. Not later than January 1, 2014:
(1) the Texas Department of Criminal Justice shall adopt the comprehensive reentry and reintegration plan required by Section 501.092, Government Code, as amended by this Act; and
(2) the executive director of the Texas Department of Criminal Justice shall appoint representatives to serve on the reentry task force as required by Section 501.098, Government Code, as amended by this Act.

SECTION 32. Not later than September 1, 2016, the Texas Department of Criminal Justice shall submit the first report required by Subsection (i), Section 501.092, Government Code, as added by this Act.

SECTION 33. (a) Not later than January 31, 2014, the governor shall appoint to the Correctional Managed Health Care Committee one member from each of the first two medical schools, so as to comply with the membership requirements of Subdivision (4), Subsection (a), Section 501.133, Government Code, as amended by this Act, based on an alphabetical listing of the names of the medical schools.
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(b) Not later than January 31, 2014, the governor shall appoint to the Correctional Managed Health Care Committee two members who are licensed mental health professionals, so as to comply with the membership requirements of Subdivision (5), Subsection (a), Section 501.133, Government Code, as added by this Act.

(c) Notwithstanding the terms of the members as provided by Subsections (a) and (b), Section 501.136, Government Code, as added by this Act, the terms of the members appointed under this section expire February 1, 2017.

SECTION 34. Not later than the 30th day after the end of the first quarter of fiscal year 2014, the Texas Department of Criminal Justice shall submit the first report required by Section 501.1471, Government Code, as added by this Act.

SECTION 35. Section 508.1411, Government Code, as added by this Act, applies only to a decision of a parole panel made on or after November 1, 2013. A decision of a parole panel made before November 1, 2013, 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 36. Not later than January 1, 2014, the Board of Pardons and Paroles shall establish the range of recommended parole approval rates required by Subsection (a), Section 508.144, Government Code, as amended by this Act.

SECTION 37. Not later than January 1, 2014, the community justice assistance division of the Texas Department of Criminal Justice shall adopt forms, establish procedures, and take other
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actions necessary to comply with the requirements of Section
509.013, Government Code, as added by this Act.

SECTION 38. Not later than January 1, 2017, the community
justice assistance division of the Texas Department of Criminal
Justice shall include in the reports submitted under Subsection
(c), Section 509.004 and Subsection (c), Section 509.016,
Government Code, the findings, recommendations, and projected
impact of recommendations from the first study conducted under
Section 509.014, Government Code, as added by this Act.

SECTION 39. Before January 1, 2014, the victim services
division of the Texas Department of Criminal Justice shall develop
the recommendations required by Subsection (d-1), Article 56.04,
Code of Criminal Procedure, as added by this Act.

SECTION 40. This Act takes effect September 1, 2013.
President of the Senate

I hereby certify that S.B. No. 213 passed the Senate on April 2, 2013, by the following vote: Yeas 31, Nays 0; May 8, 2013, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 9, 2013, House granted request of the Senate; May 25, 2013, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 213 passed the House, with amendments, on May 6, 2013, by the following vote: Yeas 145, Nays 0, one present not voting; May 9, 2013, House granted request of the Senate for appointment of Conference Committee; May 26, 2013, House adopted Conference Committee Report by the following vote: Yeas 140, Nays 2, one present not voting.

Chief Clerk of the House

Approved:

14 June '13

Date

Governor

Secretary of State