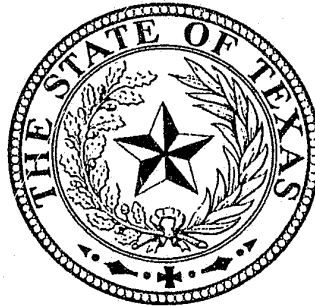


House Bill 2335
The Omnibus Criminal Justice Reform Bill
71st Legislature



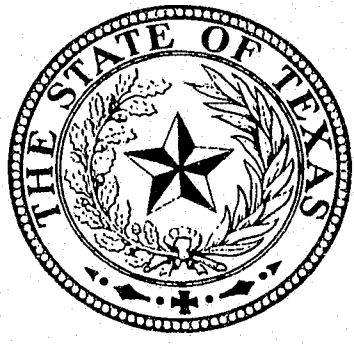
A Summary Analysis by
Office of the Governor, Criminal Justice Division
Rider Scott, Executive Director

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Prepared by
David X. Young & Scott Carruth

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House Bill 2335 mandates a broad, comprehensive restructuring of our Texas criminal justice system. The bill authorizes sweeping changes in process and procedure, and additionally consolidates the three major correctional agencies in the state: the Department of Corrections, Board of Pardons and Paroles, and Adult Probation Commission.

The Department of Criminal Justice (DCJ) is the overarching agency created by HB 2335. Under the umbrella of the DCJ are the Community Justice Assistance Division (formally the Adult Probation Commission), the Institutional Division (formerly the Texas Department of Corrections), and the Board of Pardons and Paroles Division (formally Board of Pardons and Paroles). While each division will individually retain most of its functions, all are reorganized under one department.

The bill also addresses the problems of local and state administration of correctional institutions and facilities, the release of defendants with or without bond and alternative sentencing, the redefining of probation, parole, and mandatory supervision, offender employment opportunities through Project RIO, programs for rehabilitation, information systems to help police and other agencies track the offenders history, and the issuance of bonds to finance correctional facility construction.

In the pages that follow, you will find a brief section-by-section summary of the provisions of House Bill 2335. Requests for further information on this ambitious piece of legislation can be directed to officials in the Governor's Criminal Justice Division.

ARTICLE I

- Section 1.01** establishes the Texas Board of Criminal Justice and the Texas Department of Criminal Justice.
- Section 1.02** defines the Department's responsibilities and designates its headquarters as Austin, Texas. The responsibilities of the Department of Criminal Justice will be the confinement, supervision, and rehabilitation of felons; the development of a system of state and local punishment, supervision, and rehabilitation programs and facilities; and the reintegration of felons back into society after their release from incarceration.
- Section 1.03** defines the composition of the Board of Criminal Justice. The Board is to be composed of nine members appointed by the governor with advice and consent of the Senate.
- Section 1.04** defines the eligibility for membership on the Board of Criminal Justice and also provides means for their removal. The eligibility criteria are extensive and involve a number of qualifying and disqualifying characteristics.
- Section 1.05** defines the terms of the nine member Board and states the action necessary should a vacancy occur. Members of the Board of Criminal Justice serve staggered six-year terms and in the case of a vacancy the governor shall appoint a replacement.
- Section 1.06** states that no member of the Board is entitled to compensation, but that reimbursement for expenses will be provided.
- Section 1.07** defines the organization of the Board. The Governor, at the beginning of his/her term, shall designate the chairman of the Board; the Board members shall elect from among themselves a vice-chairman.
- Section 1.08** defines the order for meetings to be held each quarter of the calendar year. Other meetings may be held at any time.
- Section 1.09** outlines the general powers and duties the Board possess. The Board may adopt rules for operation of the Department, and shall employ an Executive Director to administer the Department. The Board approves the operating budget of the Department and shall file on an annual basis a report to the

Governor and the legislature a report accounting the funds received and disbursed by the Department.

- Section 1.10** lays out the qualifications, responsibilities, and authority of the Executive Director of the Department of Criminal Justice. The Executive Director shall employ a director for each of the established divisions.
- Section 1.11** establishes the different divisions within the Department. (see attached Chart) It also authorizes the Board to establish additional divisions within the department it deems necessary.
- Section 1.12** defines and establishes the policies of the Community Justice Assistance Division (CJAD). The CJAD shall establish minimum standards for programs, facilities, and services provided by community supervision and corrections departments; and certify and fund programs, facilities and services for community supervision and corrections departments. The Chief Justice and the Presiding Judge of the Texas Court of Criminal Appeals shall appoint six members each to a judicial advisory council which will advise the division and Board on matters of interest.
- Section 1.13** establishes and defines the duties of the Institutional Division. Its main task is to operate and manage the state prison system.
- Section 1.14** defines the duties and responsibilities of the Board of Pardons and Paroles Division (BPPD). The BPPD shall determine which prisoners are to be released on parole; what conditions of parole and mandatory supervision and they make the decisions relating to the revocations of such.
- Section 1.15** defines each division director's powers in developing a career ladder program, system of annual performance evaluations, and the preparation and maintenance of a written policy of equal employment opportunity.
- Section 1.16** provides that the Board and Department shall expire on September 1, 1995, unless continued in existence as provided under the Sunset Act.
- Section 1.17** provides that the Governor shall appoint the initial members of the Board on or before September 1, 1989. Of the initial members, three shall serve until February 1, 1991, three until February 1,

1993, and three until February 1, 1995. On expiration of the initial terms, all terms shall be six years as provided in Section 1.05 above.

Section 1.18 establishes the initial employment of the Executive Director. The position of Executive Director shall be filled by the Board no later than January 1, 1990. In the interim, an acting director shall be hired.

Section 1.19 transfers all powers, duties, obligations, property, funds, employees, and records of the Texas Department of Corrections to the Texas Board of Criminal Justice effective September 1, 1989.

Section 1.20 transfers all powers, duties, obligations, property, funds, employees, and records of the Texas Adult Probation Commission and the Board of Pardons and Paroles to the Texas Board of Criminal Justice effective January 1, 1990. If a power, duty, or obligation is not specifically reserved to a particular division in the Department, the Board may assign the duty, power, or obligation to the division of its choice. On January 1, 1990, any and all legal reference to any of the subsumed agencies shall become a reference to the Texas Department of Criminal Justice.

ARTICLE II

Section 2.01 amends Section 317.005 of the Government Code by adding Subsection (i). It states that the Board has the authority to adopt an order under Section 2, Article II affecting any portion of the total appropriation for a state agency falling under jurisdiction of the Board for the fiscal year in which an order would be effective.

Section 2.02 amends subtitle C, Title 3 of the Government Code, by adding Chapter 328. Chapter 328, Sec. 328.001, establishes the Legislative Criminal Justice Board, as an agency of the Legislature. It is composed of ten members, those being: the Lieutenant Governor or his/her designee, the Speaker of the House or his/her designee, the chair of the House Corrections Committee, Senate Criminal Justice Committee, House Appropriations Committee, and the Senate Finance Committee, two state representatives (appointed by the Speaker), and two senators (appointed by the Lieutenant Governor). Sec. 328.002 defines the alternating chairmanship and vice chairmanship of the Lt. Governor and Speaker.

The term as chair is for two years concurrent with the fiscal biennium. Sec. 328.003 establishes the rules of quorum and Sec. 328.004 establishes the meetings to be held quarterly during the calendar year. Sec. 328.005 defines the powers and duties of the Legislative Criminal Justice Board, they include the oversee and review of policy implementation, including fiscal policy. Sec. 328.006 and 328.007 defines the Boards oversight authority in reviewing rules adopted by the Texas Board of Criminal Justice relating to community correction programs, and the Department of Public Safety's automated fingerprint information system.

Section 2.03 amends Section 413.017(b) of the Government Code to read that the executive director of the Legislative Criminal Justice Board is appointed by the governor with the advise and consent of the Senate, and may not perform any other duties (for another agency) that would negatively affect his/her performance as executive director of the policy council.

Section 2.04 amends Chapter 413 of the Government code by adding Sections 413.019 and 413.020. Sec 413.019 pertains to the Statistical Analysis Center or the Policy council which shall serve as a statistical analysis center for the state. Sec. 413.020 charges the Policy Council with the duty of preparing a report to the legislature, and various other duties.

ARTICLE III

Section 3.01 amends Chapter 42 of the Code of Criminal Procedure by adding Article 42.13. Article 42.13 defines the purpose, standards, procedures, and all other aspects of the Community Justice Assistance Division of the Texas Department of Criminal Justice. Sec. 1. of Article 42.13 states that the purpose of the Community Justice Assistance Division is to allow the localities to increase their involvement and responsibility in developing sentencing programs that will provide effective sanctions for felony offenders. It goes on to state that it will provide an increased opportunity for the felony offender to make restitution to victims of crime through financial reimbursements or community service, and CJAD will promote efficiency and economy in delivering community-based correctional programs that are consistent

with the objectives defined in Section 1.02 of the Penal Code. Sec. 2. defines the standards and procedures that the division shall establish and maintain in running programs, facilities, equipment, and other aspects of the operation of the division. Sec. 3. lays down the guidelines in processing paperwork, reports, and other administrative functions of the division and its departments. Sec. 4. defines the divisions authority in running inspections and audits through its departments to evaluate and maintain compliance with rules and standards. Sec. 5. defines the guidelines that the division has over the Community Corrections Facilities (CCF). The division shall develop standards for operation and programs of CCF(s), division-managed facilities, contracts for management, and shall provide funds for renovation of leased or donated buildings for CCF(s).

Sec. 6. requires that the division must receive a Community Justice Plan as a condition to payment of state aid, and that the community must submit a revised edition to the division each year. The community justice plan must include a summary of services, a description of proposed new facilities or programs, a description of services for offenders needed within an area, a copy or description of any proposed contract, and a statement of commitment by the community justice council and the department.

Sec. 7. states that the division shall have the authority to establish an officer certification program for the departments' officers.

Sec. 8. states that the division may provide training and technical assistance to departments to promote compliance with the standards.

Sec. 9. states that the director of a department shall present data to the division at its request to determine the amount to which the department is entitled.

Sec. 10. states that the division may take no action under this article without first holding a public hearing. Further, a series of requirements for notification of the hearing is provided.

Sec. 11. sets down the guidelines for the payment of state aid to the department as long as everything is in compliance.

Sec. 12. sets down the guidelines for the refusal or suspension of state aid.

Section 3.02 amends Chapter 42 of the Code of Criminal Procedure by adding Article 42.131. Article 42.131 defines,

establishes, and explains the Community Supervision and Corrections Departments (CSCD) under the Community Justice Assistance Division of the Department of Criminal Justice. Sec. 1. sets out the different definitions of the Article. Sec. 2. establishes the departments under the jurisdiction of the district judge or judges trying criminal cases in the state. The purpose of the CSCD(s), is to conduct pre-sentence investigations and risk assessments, supervise and rehabilitate probationers, enforce the terms and conditions of probation, staff community corrections facilities. Sec. 3. allows departments, counties, municipalities, or any other agency involved to establish Community Corrections Facilities (CCF), and to make use of abandoned or under-utilized public facilities. In order to establish a CCF, a community justice council must be established. The council should consist of: the sheriff, a county commissioner or county judge, a city council member, not more than two state legislators from the geographic area, the presiding judge of the judicial district, a judge of a statutory court exercising criminal jurisdiction, a county attorney with criminal jurisdiction, a district attorney or criminal district attorney, and an elected member of the Board of trustees of an independent school district. This community justice council should appoint a community justice task force to provide support staff for the development of a community justice plan. This task force should consist of: the county or regional director of the Department of Human Services, the chief of police, the chief juvenile probation officer, the superintendent of the most populous school district, the supervisor of the DPS, the county or regional director of the TDMHMR, a substance abuse treatment professional appointed by COG, the department chief of the department to be served, the local or regional representative of the BPP Division, the representative of TEC, the representative of TRC, a licensed attorney who practices in the area, and a court administrator.

Sec. 4. states that the judge or judges shall appoint a department director to staff and manage the professional and clerical work of the department.

Sec. 5. sets out the standards for an officer to be employed with the department.

Sec. 6. explains the status of and benefits to the employees of the department.

Sec. 7. defines the department's right to receive

state aid, grants and gifts from any source for the purpose of financing programs and facilities.

Sec. 8. defines the county's financial responsibility to the department. The county or counties shall provide all that it can to support the department.

Sec. 9. defines the district's financial responsibilities to the department, and further provides that the judges may expend funds in order to provide expanded facilities, equipment, and utilities.

Sec. 10. authorizes the district judge or judges to use funds provided by the division for the purposes of providing facilities, equipment, and utilities as long as it is recommended by the council and the division provides funds for that purpose.

Sec. 11. authorizes the department to operate programs for the supervision and rehabilitation of persons in pretrial intervention programs.

Section 3.03 amends Chapter 351 of the Local Government Code by adding Subchapter H. Subchapter H. establishes County Correctional Centers, empowers the sheriff to control them, and outlines programs within them.

Sec. 351.181 authorizes the commissioners court of a county to establish a county correctional center. Sec. 351.182 gives responsibility for the operation of the county correctional center to the sheriff.

Sec. 351.183 allows the sheriff to provide programs in the county correctional center; to house and provide work programs and counseling to persons convicted of misdemeanors and confined in county jail, to persons who require these programs as a condition of probation, and to those probationers who have violated the conditions of their probation.

Sec. 351.184 establishes that the community justice assistance division and the Commission on Jail Standards shall develop standards for the physical plant operations of county correctional centers.

Sec. 351.185 defines that a county may apply for and receive state aid for residential services or community corrections programs.

Sec. 351.186 provides that if a county is receiving state aid, county officials must submit reports as are required of them.

Section 3.04 amends Section 19, Chapter 212, Acts of the 40th Legislature. Under Sec. 19., the director of a department shall make suitable provisions and

regulations for the safe transportation of prisoners from counties to the State penitentiary.

Section 3.05 amends Chapter 42, Code of Criminal Procedure by adding Article 42.141. Article 42.141 deals with the Battering Intervention and Prevention Program. Sec. 1 defines all terms relating to this. Sec. 2. establishes the battering intervention and prevention program in the division. Sec. 3. states the duties of the division to contract with nonprofit organizations dealing in family violence. Their function will be to seek input of the statewide nonprofit organization, issue request for proposals for programs, award contracts for programs, develop and monitor the project in cooperation with nonprofit organization, monitor the development of a community education campaign, assist in designing program evaluation and research, and facilitate training of probation officers and others. Sec. 4. establishes the duties of the nonprofit organizations. They are to assist the division in developing and issuing requests for proposal for programs, develop and monitor such programs, provide technical assistance, submit an annual report to the division with recommendations about the projects, and evaluate the programs. Sec. 5. describes how programs under this department must conform to certain standards and procedures, and have within them certain policies. Sec. 6. provides that the division along with a nonprofit organization must select a community education campaign relating to family violence. The campaign must focus in on: the criminality of acts of violence, the consequences of family violence, and the eradication of public misconceptions of family violence. Sec. 7. lays down the guidelines for the use of legislative appropriations for the project. It states that no more than six percent of the appropriations may be used by the department or management and administration, no more than 14 percent is to applied towards contracts between the division and nonprofit organizations, and no more than three percent may be applied towards contracts for the community educational campaign. Sec. 8. contracts under this section shall be signed no later than Nov. 1, 1989.

Section 3.06 amends title 108 of the Revised Statutes by adding Article 6166a-4. Article 6166a-4 states that the Texas Board of Criminal Justice shall develop,

adopt, and enforce an allocation formula that will fairly and equitably allocate to each county or counties served by a community corrections and supervision department the number of admissions to the institutions from the counties until a sufficient capacity is achieved. The factors that will be included in the allocation formula are: the percentage of prison admissions for the entire state, the percentage of the state's violent index crime, the percentage of the state's total index crime, the percentage of the state's total arrest under the Texas Controlled Substances Act, the percentage of the state's population residing in the county, and the percentage of the state's total unemployment in the county or counties.

Section 3.07 amends Section 4A of the Interlocal Cooperation Act. It adds that Community Corrections Facilities and County Corrections Centers are eligible under the Interlocal Cooperation Act to contract with one or more entities for the financing, construction, operation, maintenance, or management of criminal justice facilities.

Section 3.08 amends Section 11.35 of the Education Code. It states that the State Board of Education shall provide for the administration of high school equivalency examinations to any person who does not have a high school diploma.

Section 3.09 amends Section 104.003 of the Civil Practice and Remedies Code. It limits the states liability of a member of the Texas Board of Criminal Justice.

Section 3.10 repeals Article 42.121 of the Code of Criminal Procedures.

ARTICLE IV

Section 4.01 amends Section 12.34 of the Penal Code. Sec. 12.34. deals with punishment under a Third-Degree Felony. If a person is found guilty of a felony of the third degree the individual may be: confined in the institution for a term of greater than two years but not more than ten years, or confined in a community correctional facility for any term of not more than one year. In addition, the convicted person may be made to pay a fine of no more than \$10,000.

Section 4.02 amends Section 12.44 of the Penal Code. It allows

the courts to find a defendant guilty of third degree felony but impose a punishment of a Class A misdemeanor, if the court feels that the circumstances warrant such a judgement.

Section 4.03 amends Chapter 17 of the Code of Criminal Procedure by adding Article 17.42. Article 17.42 deals with home confinement, electronic monitoring, and drug testing as a condition of release on bond. Here a magistrate may require a defendant to submit to home confinement and electronic monitoring as a condition of his/her bond, and on a weekly basis be tested for the presence of controlled substances.

Section 4.04 amends Section 3(a), Article 37.07 of the Code of Criminal Procedure. Article 37.07 will allow evidence of the defendant's past conduct to be used as the court deems relevant in sentencing.

Section 4.05 amends Chapter 42 of the Codes of Criminal Procedure by adding article 42.011. Article 42.011 calls for courts, after pronouncing sentence in a criminal case, to produce a risk assessment instrument and submit same to the community justice assistance division of the Texas Department of Criminal Justice. This assessment shall be placed in the defendant's file.

Section 4.06 amends Section 4, Article 42.03 of the Code of Criminal Procedure. Sec. 4. deals with a defendant's conduct while in jail awaiting trial, specifically that the court shall ask the sheriff to attach to the commitment papers a statement assessing the said conduct.

Section 4.07 amends Chapter 42 of the Code of Criminal Procedure by adding Article 42.033. Article 42.033 allows for a defendant found guilty of a misdemeanor or felony to serve his/her sentence in the county jail during hours not engaged in work or school.

Section 4.08 amends Chapter 42 of the Code of Criminal Procedure by adding Article 42.034. Article 42.034 allows for a defendant to serve his/her sentence in a county jail work release program, if the court see that the ends of justice would best be served.

Section 4.09 amends Chapter 42 of the Code of Criminal Procedure by adding Article 42.035. Article 42.035 deals with the establishment of electronic monitoring. If a county which is served by a district probation office has an electronic monitoring program, then

the court may require the defendant to serve all or part of a sentence under electronic monitoring.

Section 4.10 amends Chapter 42 of the Code of Criminal Procedure by adding Article 42.036. Article 42.036 will allow for the court to require the defendant to serve all or part of a sentence through community service rather than in confinement.

Section 4.11 amends Article 42.08(a) of the Code of Criminal Procedure. Article 42.08(a) calls for the cumulative total of suspended sentences in misdemeanor cases not to exceed more than three years, including extensions of periods of probation.

Section 4.12 amends section 8(a), Article 42.09 of the code of Criminal Procedure. It states that a copy of the client supervision plan prepared for the defendant by the adult probation department should forward to the Institutional Division along with the order revoking the defendant's probation.

Section 4.13 amends article 43.09 of the Code of Criminal Procedure. Article 43.09 allows for the defendant to either make payment of fine or be assigned to work in a workhouse of the county or a political subdivision of the county. The amount of labor the defendant produces shall be rated at \$50 for each day of time sentenced, and the labor performed shall be entitled to both the credit for imprisonment and the credit for labor.

Section 4.14 amends Article 43.10 of the Code of Criminal Procedure by adding to the list of manual labor all public works, including public works for a political subdivision located in whole or in part of a county.

Section 4.15 amends Chapter 44 of the Code of Criminal Procedure by adding Article 44.041. Article 44.041 provides a defendant the ability to be released from jail pending an appeal without bond, if he is financially unable to make bond.

Section 4.16 amends Sections 1(a), (c), and (d) of Chapter 586 of the 68th Legislature, Regular Session, 1983. It states that a prisoner may be sentenced to the county jail work release program; that the prisoner not endure financial hardships from court-ordered deductions from his pay; that the sheriff agrees to find employment and if not will transfer the

prisoner to a county that can provide employment; if unable to find employment the prisoner shall be retained in the county jail until employment can be found, and the sheriff or employees of the sheriff's department are not liable for damages arising from an act or failure to act by the sheriff in connection with a work program.

Section 4.17 amends Article 42.12 of the Code of Criminal Procedure. Article 42.12 deals with Adult Probation.

In Section 2, probation is redefined by stating that it shall mean the supervised release of a convicted defendant by a court under a continuum of programs and sanctions. In Section 3, it provides for the use of court ordered probation in all third felony cases or less where the period of punishment is less than ten years but more than two years.

Section 3g places limitations on court ordered probations. It prohibits a court to give probation as punishment to defendants adjudged guilty of: capital murder, aggravated kidnapping, aggravated sexual assault, aggravated robbery, or where a defendant has used or exhibited a deadly weapon. Section 4 amends misdemeanor cases by allowing jury recommended probation for a period of not more than two years. But it does not preclude a court from granting probation in a case if the jury does not recommend it.

Section 5 maintains that if the court defers adjudication, it may place a defendant on probation, and shall inform the defendant orally or in writing of the possible consequences if he violates probation.

Section 6 deals with the continuing court jurisdiction in felony cases. After a court has sentenced a defendant to confinement, and before 180 days has concluded, the court may suspend the sentence and place the defendant on probation not to exceed ten years.

Section 7 deals with the court's continuing jurisdiction in misdemeanor cases. This section allows for the court to suspend sentence and place the defendant on probation as long as the defendant has never been incarcerated in a penitentiary or jail serving a sentence for a felony or misdemeanor.

Section 8 deals with alternative incarceration program. If a defendant is eligible for probation and is a male between the ages of 17 and 26, with no physical or mental handicaps, and has never been

in a penitentiary, he may serve in an alternative incarceration program.

Section 9 deals with presentence investigations. This report shall contain: the circumstances of the offense, the amount of restitution necessary to adequately compensate a victim of the offense, the criminal and social history, any information relating to the defendant or the offense, and a proposed client supervision plan. A pre-sentence investigation shall be conducted on any offender convicted of a felony offense if it appears that the defendant might have a mental impairment. The investigation shall include a psychological evaluation.

Section 10 deals with the authority of the court to impose, modify, or revoke probation. This section allows only the court which tried and convicted the defendant the right to impose conditions of probation. And if a probation officer or magistrate should modify the defendants conditions of probation, a copy of the modified conditions shall be filed with the sentencing court.

Section 11 deals with the basic conditions of probation, and that only the court which tried and convicted the defendant shall determine the terms and conditions of probation. If the defendant is a substance abuser, he/she shall attend counseling sessions approved or licensed by the Texas Commission on Alcohol and Drug Abuse. And the probationer shall not be compelled to make any payments as a term or condition of probation, except for fines, cost and restitution.

Section 12 deals with detention as a condition of probation. A court granting probation to a defendant may also require as a condition of probation that the defendant submit to a period of detention in a county jail or community corrections facility.

Section 13 deals with DWI probation; specifically it the courts authority in overseeing the defendant and the ability of the court to deny the defendant's privileges of driving, hours of work, school, or after hours.

Section 14 deals with defendants and their right to have direct communication with the victim of the offense.

Section 15 deals with restitution; it states that the court may require a probationer to make immediate restitution to the victim.

Sections 16, 17, 18, and 19 deal with defendants working in: work probation, community service,

restitution centers, or community corrections facilities in order to serve their time and repay society or victims for their offenses.

Section 20 just adds the word maximum to the sentencing of the Article and states that the court may place the defendant on an intensive or maximum probation.

Section 21 provides for the use of electronic monitoring of defendants if they are eligible for probation.

Section 22 provides for the payment of fees by the probationer to the court on a monthly basis of more than twenty five dollars and less than forty dollars. These fees shall be deposited into a special fund of the county treasury.

Section 23 provides for the reduction or termination of probation at the discretion of the court.

Section 24 provides the consequences if a probationer should violate the conditions of probation, and that a hearing will be convened to further investigate any violations.

Section 25 provides for the continuation or modification of probation at the court's discretion.

Section 26 deals with the revocation of probation after a hearing, and details the action of the court in this matter.

Section 27 amends the rights of a probationer in the ability to change residence. If a probationer does change residence without notification, he shall be considered a fugitive.

Section 4.18 amends subsection (c) of Section 3 of Article 6181-1 of the Revised Statutes. It allows for the awarding of good conduct to a prisoner in a county jail as if he/she were incarcerated by the department (prison).

Section 4.19 amends Work Programs of Chapter 493 Acts of the 61st Legislature, Regular Session or Article 6166x-3 of the Vernon's Texas Civil Statutes. It allows for the Board of Pardons and Paroles division of the Texas Department of Criminal Justice to authorize work programs for eligible persons from the institutional division.

Section 1(a) provides for the qualifications of the design and construction of work program facilities.

Section 2 provides for the establishment of a work program plan.

Section 3 deals with the quartering of work program residents, and details the responsibilities of the

Board of Pardons and Paroles division.
Section 4 details the requirements for on-site employment of residents in work programs.
Section 5 provides for disciplinary proceedings in work programs of residents in cases where there is a violation of the rules.
Section 6 states that no work program resident shall have any rights under the Workmen's Compensation Act.

Section 4.20 amends Subsections (a), (c), and (e) of Article 6203c-9 of the Revised Statutes. This section allows for the director of the department to limit the number of probationers participating in the program.

Section 4.21 amends Section 3, Article 6203c-11 of the Revised Statutes by adding subsection (e). In this subsection the department is required to make available to inmates considered eligible, a substance abuse treatment program that includes recognition and awareness of the disease concept of addiction.

Section 4.22 amends Title 108 of the Revised Statutes by adding Article 6203c-22. This Article reserves to the department at least 1,000 beds among those used for trustees to house persons punished for violations of conditions of probation.

Section 4.23 amends the Texas Unemployment Compensation Act by adding Section 11e. This section transfers the administration of Project RIO from the Texas Department of Commerce to the Texas Department of Criminal Justice.

Section 4.24 repeals Sections 5 and 6 of Article 42.03 of the Codes of Criminal Procedure.

Section 4.25 repeals Section 15(f)(2) of Article 42.12 of the Code of Criminal Procedure.

ARTICLE V

Section 501 amends Article 42.18 of the Code of Criminal Procedures. Article 42.18 deals with the Adult Parole and Mandatory Supervision Law. It sets out the intent of the law and the definitions in the first two sections.
Sections 3, 4, 5, 6, and 7 provide for the size of

the Board, terms, and vacancy guidelines, eligibility of members, sunset, and compensation and duties of Board members and the director. Further, Section 8 gives the Board the power to set the conditions of defendants for release on parole from the institution.

Sections 9 through 14 give the Board of Pardons and paroles division the power to be informed by all those having information with reference to any prisoner, the ability to access prisoners, to issue subpoenas and warrants, and to hold hearings on defendants who violate parole.

Section 15 allows the Board to allow a person on parole or mandatory supervision to serve the remainder of his/her sentence without supervision. Section 16 requires the members of the Board to investigate and report to the governor any information needed by the governor.

Section 17 and 18 give the general responsibility for the investigation and supervision of all prisoners and responsibility of keeping all information confidential.

Section 19 establishes guidelines and qualifications for individuals who wish to be employed as parole officers.

Section 20 states that this article does not apply to parole from institutions for juveniles.

Section 21 requires the Texas Board of Criminal Justice and the Central Education Agency to adopt a memorandum of understanding.

Section 22 allows the Board to award contracts for the supervision of persons on parole. By 1991, BPP shall have entered into contracts for supervision of 5% of all releasees supervised.

Section 23 deals with electronic monitoring of individuals on parole, and gives the Board the authority to fund programs to develop, purchase, or lease electronic monitoring programs.

Section 24 allows for the Texas Board of Criminal Justice to provide funding for special programs.

Section 25 allows for the Board to establish a program to provide intensive supervision.

Section 26 allows for the Board to establish and operate or contract for the operation of community-based intermediate sanction facilities to house, maintain, and provide services for those who are required as a condition of parole to serve a period of confinement.

Section 5.02 details the powers of the governor in appointing members to the Board of pardons and paroles.

ARTICLE VI

Section 6.01 amends the Code of Criminal Procedure by adding Chapter 60. Chapter 60 deals with the Criminal History Record System. Article 60.02 gives the responsibility for recording data and establishing a database for a centralized criminal history record information system to the Texas Department of Criminal Justice. It provides for the interagency cooperation and confidentiality of information in Article 60.03, and for the compatibility of data in Article 60.04. In article 60.05, it describes the types of information that will be collected and placed in the database. Article 60.06 defines the duties of the agencies that will be contributing to the compilation and maintenance of records. Article 60.07 gives to the Department of Public Safety the right to design, print, and distribute to each law enforcement agency a state uniform incident fingerprint card. Article 60.08 deals that the Department of Criminal Justice shall develop reporting procedures that ensure that the offender processing data is reported promptly from time of conviction until release. Article 60.09 establishes that each county commissioners court may create local advisory Boards which will analyze the structure of local automated and manual data systems and make recommendations from there.

ARTICLE VII

Section 7.01 amends Subdivision (8), Section 1, Article 4413(49a) of the Revised Statutes. This section and Section 7.02 changes the name and composition of the Interagency Council on Mentally Retarded, Developmentally Disabled, and Mentally Ill Offenders to the Texas Council on Offenders with Mental Impairments.

Section 7.03 amends Article 4413(49a) of the Revised Statutes by adding Section 6A. The council must file a biennial report to the legislature by June 1 of every even-numbered year.

Section 7.04 amends Section 7, Article 4413(49a) of the Revised Statutes by changing mentally retarded, developmentally disabled, and mentally ill

offenders to "offenders with mental impairments."

Section 7.05 amends Section 1, Chapter 462, of the Acts of the 68th Legislature. It defines the Interagency Council on Sex Offender Treatment, and defines what constitutes a sex offender.

Section 7.06 amends Section 3, Chapter 462 of the Acts of the 68th Legislature by changing the composition of the council from 12 to 13 members.

Section 7.07 amends Section 5, Chapter 462, of the Acts of the 68th Legislature by changing the time of meetings and the selection of officers.

Section 7.08 amends Sections 7,8, and 9, Chapter 462, of the Acts of the 68th Legislature by allowing the council to employ an executive director, and then defines his/her and the council's duties.

Section 7.09 amends Sections 13 and 14, Chapter 462 of the Acts of the 68th Legislature by allowing the Council on Sex Offenders to establish and maintain a registry of individuals who provide mental health or medical services for rehabilitation of sex offenders.

Section 7.10 amends Chapter 462 of the Acts of the 68th Legislature by adding Section 15, that the council shall annually prepare and publish a list of the treatment providers registered under this Act.

ARTICLE VIII

Section 8.01 amends Section 3, Chapter 696 of the Acts of the 70th Legislature, by requiring that the Texas Department of Corrections must revise its Master Plan annually before receiving the proceeds of bonds issued under this Act.

Section 8.02 amends Subsection (a), Section 4, Chapter 696 of the Acts of the 70th Legislature by allowing the authority to issue up to \$400 million in general obligation bonds.

Section 8.03 amends Section 6, Chapter 696, of the Acts of the 70th Legislature by placing a limit of \$900 million on the combined amount of outstanding revenue bonds and outstanding general obligation bonds.

Section 8.04 applies to the use of bond proceeds distributed to the Texas Department of Mental Health and Mental Retardation, Texas Department of Corrections, the Texas Youth Commission, or the Department of Public Safety.

Section 8.05 limits the Texas Public Finance Authority in the issuance of bonds under Section 4(a)(2), Chapter 696 of the Acts of the 70th Legislature.

ARTICLE IX

This Article provides for the time frame in which this Act will take effect.

HOUSE BILL 2335 ORGANIZATIONAL CHART

