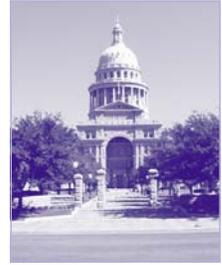




TEXAS CRIMINAL
JUSTICE COALITION

SENATE BILL 1055 82ND LEGISLATIVE SESSION

A "HOW TO" IMPLEMENTATION BRIEF



S.B. 1055 (SENATOR CARONA; REPRESENTATIVES MADDEN AND WHITE): *Relating to reports concerning and the reporting of the use of certain funds by community supervision and corrections departments and to the preparation of commitment reduction plans by those departments.*

INTENTION

S.B. 1055 updates requirements for local Community Justice Plans submitted to the Community Justice Assistance Division (CJAD) of the Texas Department of Criminal Justice (TDCJ). The timing of submissions was moved to no later than March 1 of even-numbered years (rather than odd-numbered years), and requirements were added to include a detailed summary of programs and services provided by each Community Supervision and Corrections Department (CSCD). CJAD must submit a report based on these plans to the Texas Board of Criminal Justice not later than the date on which the Board is required to submit its legislative appropriations request (LAR) to the Legislative Budget Board, with the aim of ensuring that the Board will have information contained in the report for purposes of preparing its LAR.

S.B. 1055 also authorizes, but does not require, CSCDs to create a Commitment Reduction Plan, which would set forth a target number by which the counties would reduce the number of individuals annually committed to TDCJ and/or the number of community supervision revocations. Doing so makes departments eligible for additional state funding, which would come from the estimated savings from the reduction in the number of individuals committed to TDCJ if the goals set out in the Commitment Reduction Plan are achieved. If such targets are not reached, the bill requires CSCDs to repay an amount equal to the percentage by which the county or counties fail to reach the target number. If they do not, the bill authorizes CJAD to deduct that sum from future state aid or incentive payments paid to a CSCD, or a regional partnership of CSCDs.

IMPLEMENTATION

Changes to Community Justice Plan

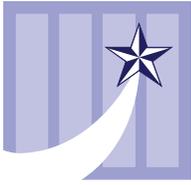
The legislation adds CSCD directors as members of community justice councils.

The new law changes the date CSCDs must submit required Community Justice Plans, which are now due no later than March 1 of even-numbered years.

Community Justice Plans must now include "a description of the programs and services the department provides or intends to provide, including a separate description of any programs or services the department intends to provide to enhance public safety, reduce recidivism, strengthen the investigation and prosecution of criminal offenses, improve programs and services available to victims of crime, and increase the amount of restitution collected from persons supervised by the department." The plan also must include "an outline of the department's projected programmatic and budgetary needs, based on the programs and services the department both provides and intends to provide."

Based on these plans, CJAD must prepare a biennial report that "contains a detailed summary of the programs and services to be provided by departments," including "all financial information relating to the programs and services described" and details about both state aid and non-state funding sources. This report must be submitted to the TDCJ Board no later than the date TDCJ submits its LAR to the Legislative Budget Board.

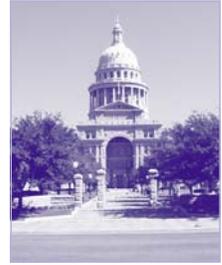
TDCJ must include information from Community Justice Plans in its own LAR.



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Creation of Commitment Reduction Plans

S.B. 1055 allows CSCDs, if they so choose, to request additional state funding by submitting a "Commitment Reduction Plan" not later than the 60th day after the end of the gubernatorial veto period. Since that date has already passed for the 82nd Texas Legislature, as a practical matter that means CSCDs aiming to submit Commitment Reductions Plans should already have done so in August 2011, with their next opportunity arising in August 2013.

A Commitment Reduction Plan may be submitted by a department or a regional partnership of departments. The Commitment Reduction Plan must contain a target number by which the county or counties served by a CSCD (or regional CSCD partnership) will reduce the number of people (excluding so-called 3g offenders) sent to TDCJ compared to the previous fiscal year. Departments may achieve this goal by reducing:

- Direct sentencing commitments
- Community supervision revocations
- Both direct sentencing commitments and community supervision revocations

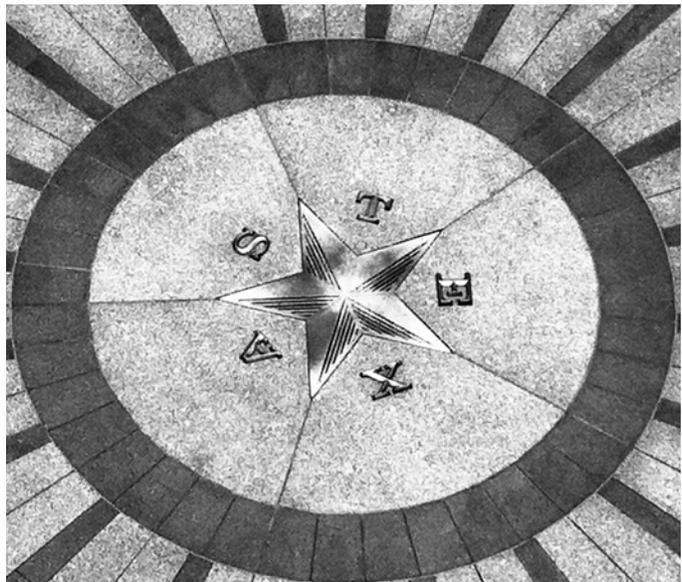
Plans must also include an estimate, based on the Legislative Budget Board's Criminal Justice Uniform Cost Report, of savings to the state that will result from the county or counties achieving their target number, as well as a description of programs for which the CSCD intends to use extra state funds.

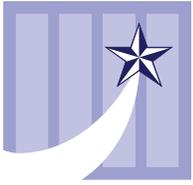
CJAD will review Commitment Reduction Plans once they are submitted and, "if the division is satisfied that the plan is feasible and would achieve desirable outcomes," it "may award" a one-time lump sum to the department(s) equal to 35% of estimated savings. At the end of the biennium, CSCDs receiving such awards will also receive incentive payments based on the prior two years experience (including the 65% of savings that remains after payment of the lump sum). Eligible CSCDs will receive:

- 15% of estimated savings for reducing the percentage of people supervised who commit a new felony.
- 5% of estimated savings for increasing the percentage of people supervised who are not delinquent in making any restitution payments.
- 5% for increasing the percentage of people supervised who are gainfully employed (as determined by CJAD).

Including the lump sum payment, CSCDs potentially could earn back more than half of estimated savings from TDCJ's reduced incarceration costs if they send fewer individuals to prison and meet the above-described goals.

Supplemental funds may be used "to provide any program or service that a department is authorized to provide under other law, including implementing, administering, and supporting evidence-based community supervision strategies, electronic monitoring, substance abuse and mental health counseling and treatment, specialized community supervision caseloads, intermediate sanctions, victims' services, restitution collection, short-term incarceration in county jails, specialized courts, pretrial services and intervention programs, and work release and day reporting centers." This money is in addition to any per-capita or formula funding for CSCDs.

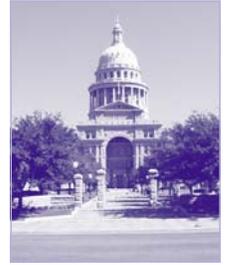




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If recipients of supplemental funding fail to meet their target number for reduction in commitments to TDCJ, they must pledge to repay the state – not later than the 30th day after the end of the state fiscal year in which the lump sum payment is made – a percentage of the lump sum equal to the percentage by which the county or counties failed to reach their target number. Recipients will be deemed to have failed “if the sum of any increase in the number of direct sentencing commitments and any reduction in community supervision revocations is less than the target number contained in the commitment reduction plan.” If departments failing to meet their target number do not repay the state, CJAD will deduct the owed amount from future state aid.

ANTICIPATED OUTCOMES

Changes to the timing and content of local Community Justice Plans are aimed at giving TDCJ-CJAD critical information earlier in the process so it may be accounted for in the state budget-making process.

The new process for submission and approval of Commitment Reduction Plans aims to achieve a number of desirable outcomes:

- Provide more resources for local CSCDs to implement programming for probationers.
- Reduce the number of individuals sent to TDCJ and thus reduce incarceration expenses, which cost state taxpayers more than 39 times probation expenses, according to the Legislative Budget Board’s Criminal Justice Uniform Cost Report.
- Improve rates of restitution payment among probationers.
- Improve employment rates among probationers.
- Ensure accountability by requiring CSCDs to return supplemental funding if they do not achieve targeted reductions.

We highly encourage the utilization of this tool for better public safety outcomes.