



Texas Probation Association
Sally Velasquez, Legislative Report
June 2007

80th Legislature - Key Issues: Adult Probation

HB/SB1 General Appropriations (State Budget) 2008- 2009 Adopted: Signed by Governor June 2007

Ogden/Chisum: \$153 Billion State Budget Bill - Restores 5% proposed cut from baseline funding. Various funding levels were significantly increased to TDCJ-CJAD's budget to align with probation reform policy.

Key Issues: Exceptional Line Items or Funding Allocations Above Baseline

<u>Funding Allocation:</u>	<u>2006/2007</u>	<u>2008/2009</u>
Basic Supervision:	\$195,557,777 +17,513,018	\$213,070,795
Diversion Program:	\$178,096,270 +59,371,695	\$237,467,965
Community Corrections:	\$85,089,274 -\$7,754,176	\$77,540,176
Treatment Alternatives to Incarceration	\$21,500,000 +\$1,709,823	\$23,209,823

Rider #62 - Directs Govt. Code 76.017: to expend at least (\$6.25 M) per biennium in for TAIP Program.

Rider #63 - Harris Co. Community Corrections Facility: From the funds allocated to Diversion Program, (\$13 M) per biennium shall be made to this department.

Rider #69 - Probation Caseload Reduction: Out of the funds appropriated in Diversion Program allocation, at least (\$28 M) per biennium shall be used to fund community supervision officers to reduce caseload size consisting of medium to high-risk offenders.

Rider #70 - Residential Treatment and Sanctions Beds: From funds allocated in Diversion Program at least (\$27 M) per biennium shall be expended on residential treatment and sanction beds. CJAD will have discretion to departments with the highest rates of technical revocations.

Rider #73 - Contracted Temporary Capacity: Should the inmate population are less than projected of the 97% of total capacity, TDCJ shall transfer funds to Diversion Program for Adult Probation.

Rider #74 - Monitoring of Community Supervision Diversion Funds: TDCJ shall maintain a specific accountability system for tracking of all community supervision funds aimed to make this system as effective.

Rider #76 - Battering Intervention Program: From the funds allocated in Diversion Program, (\$2.5 M) per biennium shall be used as assigned in Article 42.141 of the Code of Criminal Procedure. Only for program use

Rider #84 Diversion Initiatives: TDCJ shall use funds appropriated for various listed Diversion Programs.

Outpatient Substance Abuse:	\$10,000,000
Intermediate Sanction Facilities, Probation (700 Beds)	\$17,051,108
Residential Treatment, Probation (800 Beds)	\$32,258,462
Special Needs Project (TCOOMI) Adult & Juvenile	\$10,000,000

Rider #85 -Withholding of Funds: TDCJ may withhold distributed funds in the core funding of probation if CSCD's fail to comply with TDCJ data reporting requirements.

Rider #86 - Diversion Plan: TDCJ shall provide to the Governor and LBB including House and Senate Corrections Committee a plan for the expenditures of diversion funding not limited to (probation) by Sept. 30, 2007. The plan should list goals, implementation strategies, recidivism, diversion outcomes etc.

Rider #89 - Medically Targeted Substance Abuse Treatment: From funds allocated in /Diversion program base funding, (\$2 M) per biennium shall used to provide physician supervised acute medical treatment for met amphetamine/cocaine addicted offenders. This shall be administered in outpatient setting.

Other Major Key Issues: TPA Direct Involvement

HB 1678-Madden/Whitmire: relating to operations of a system of community supervision (Adult Probation)

This bill provides reform to probation because it enables incentives for a probationer to complete residential programs for substances abuse and other problems that lead to criminal behavior. This bill also provides an early review period during which a court can consider dismissing the term of community supervision for a probationer who has successfully completed all court imposed obligations. In addition this bill specifies that the term of community supervision will be five years, subject to extensions for good cause, for only a probationer placed on community supervision for a third degree drug or Title VII property offense. Probationers placed on community supervision for a serious offense will not be eligible for early termination. **Last Action: Signed by Governor 6/15/07**

HB 530-Madden/Whitmire relating to drug court in all counties with a population of 200,000 or more. A contingency rider in the appropriations bill allocates \$929,000 in FY 2008 to the Governor's Office and \$2,258,000 in FY 2009 to the Diversion Program item for funding the drug courts established in this bill. TDCJ must transfer \$270,000 per fiscal year to the DP line item to fund DWI courts or courts operating dual DWI/drug court program. **Last Action: Signed by Governor 6-15-07**

HB 3200-Madden/Whitmire: relating to changes to funding formulas for Adult Probation Services. Last Action:

Vetoed 6/15/07

This bill would have enabled 121 probation departments across Texas the ability to operate, maintain and supervise caseloads with greater financial efficiency.

The purpose of this measure is to fund probation departments with a front loaded formula in order to increase the likelihood that probationers will successfully complete the term of their community supervision. A change in the funding for felony probationers is essential for creating incentives for early termination of probated cases, providing disincentives for technical revocations, and targeting the majority of resources in the beginning of a probationer's period of supervision during which the vast majority of the most critical assessments and programming should be occurring.

The major points in HB 3200:

- ***It funds felonies for five years only with funding reduced after the second year of placement on probation***
- ***It has a funding penalty for revocations for technical violations***
- ***It encourages early termination for probationers who have successfully complied with all the conditions of community supervision***
- ***Misdemeanor funding system is left the same as in the current funding system***

SB 1909-Ellis relating to community supervision, parole, or mandatory supervision for certain drug possession offenses and to a person's eligibility for an order of nondisclosure following a term of community supervision for any of those offenses.

This would have expanded the use of alternatives to incarceration. The bill would have required nonviolent drug offenders with no previous convictions other than a drug possession offense or certain offenses under the Transportation Code to be placed on community supervision and given personalized treatment, rather than incarcerated, unless a judge finds that the individual is a danger to the community or not fit for treatment. A court would require an individual to comply with a range of conditions of community supervision in addition to requiring treatment, including vocational training, family counseling, literacy training, and community service, thereby giving judges the ability to select a mix of programs and monitoring conditions appropriate to each individual offender. The bill would have authorized certain individuals who successfully complete the assigned treatment program and successfully complete the term of community supervision to petition the court for nondisclosure of the offense.

Last Action: House Floor vote deadline prevented this bill from further action.