Successful Juvenile and Criminal Justice Bills & Funding Provisions 2013 Texas Legislative Session

2013 BILLS

The Governor signed the following bills into law in 2013:

☐ Solutions for Youth Justice

- **HB 144 (Raymond) [Sponsor: Nelson]:** Relating to a mental examination of a child subject to the juvenile justice system. Under this bill, juvenile courts will be permitted, at their own discretion or at the request of a parent, to order a child to be examined by an expert to determine whether the child suffers from chemical dependency. Furthermore, juvenile probation departments will be required to refer any child found to suffer from chemical dependency to an agency or provider for further evaluation and services. This bill will help juvenile system practitioners more quickly identify and treat youth with substance abuse issues. ***Effective September 1, 2013.***

- **HB 232 (Guillen) [Sponsor: Zaffirini]:** Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program. This bill allows minors who are ordered by a court in a small county to participate in an alcohol awareness program to take the course online if the Department of State Health Services (DSHS) approves such courses, and if the county in which the minor resides does not provide an alcohol awareness program.

  Furthermore, in exchange for participation in the alcohol awareness program, HB 232 allows youth to complete at least 8 hours of community service related to alcohol abuse prevention or treatment, in addition to the community service hours imposed by the court. DSHS must create a list of community services related to alcohol abuse prevention and treatment for each county in which a court may order such services. ***Effective Immediately (June 2013).***

- **HB 528 (Turner, Sylvester; Giddings; Miles; Wu) [Sponsor: Whitmire]:** Relating to the restriction of access to the records and files of a child charged with or convicted of certain fine-only misdemeanor offenses. While most juvenile offenses in Texas are handled by the juvenile justice system, where records remain confidential and undisclosed to the public, children charged with fine-only misdemeanors are adjudicated in adult criminal courts, where records are open to the public until the child is convicted. This means that youth charged but not convicted of such minor offenses have records open to the public. This bill closes the gap in Texas law and makes all juvenile records confidential as they relate to fine-only misdemeanor offenses, regardless of whether the youth was ultimately convicted. It is important to ensure that youth who have atoned for their offenses and gotten back on the right path have a fair shot at success. ***Effective January 1, 2014.***

- **HB 1318 (Turner, Sylvester) [Sponsor: Whitmire]:** Relating to the appointment of counsel to represent certain youths and indigent defendants. Currently, too many youth entitled to appointed counsel are not represented by prepared counsel at their first detention hearing. As a result, Texas is needlessly keeping thousands of low-risk youth in pre-adjudication secure detention, at a cost of $216 per day per youth. HB 1318 requires counsel to be appointed for qualifying youth before the first detention hearing; because these attorneys must inevitably be appointed at some time prior to trial, this bill will not create any additional costs. In fact, by improving the efficiency of detention decisions, HB 1318 will create millions of dollars in savings statewide: Williamson County, for example, appoints counsel for youth before the first detention hearing and has realized hundreds of thousands of dollars in savings. ***Effective September 1, 2013; Sections 1 and 6 effective September 1, 2014.***

  Note: For HB 1318 provisions relating to adult defense, see page 5.

- **HB 1479 (Villarreal) [Sponsor: Van de Putte]:** Relating to establishing a committee in certain counties to recommend a uniform truancy policy. School districts use various methods to handle truancy; in large counties with more than one jurisdiction, the result is a fractured disciplinary system. Given that truancy limits educational opportunities, increases the likelihood of other delinquent behavior, and reduces school district funding from the state, it must be addressed in a more effective manner.

HB 1479 creates a permissive, uniform truancy policy in larger counties, specifically via a committee that will implement the policy. The committee will consist of local and state leadership, including judicial members, school representatives, and a district attorney. The committee will develop policy recommendations no later than September 1, 2014, with adherence to recommendations only voluntary. HB 1479 will expire on January 1, 2016. ***Effective Immediately (June 2013).***

- **HB 1952 (Thompson, Senfronia) [Sponsor: Van de Putte]:** Relating to professional development training for certain public school personnel regarding student disciplinary procedures. To correct disparities in disciplinary practices among school districts, HB 1952 requires the principal or other appropriate administrator of a campus to attend professional development training relating to the distinction between a discretionary discipline management technique used by a principal, and the discretionary authority of a teacher to remove a disruptive student. This training is required once every three school years and can be done remotely. ***Effective Immediately (June 2013).***

- **HB 2719 (Guillen) [Sponsor: Rodríguez]:** Relating to collecting and reporting information concerning inmates who have been in the conservatorship of a state agency responsible for providing child protective services and concerning inmate parole, reentry, and integration. Under this bill, the Texas Department of Criminal Justice will inquire about past foster care system involvement during the inmate intake process and annually summarize that statistical information in a report to the Governor and Legislature. Many children in the Texas foster care system have experienced significant trauma, and data collection is the first step in identifying gaps in support for such youth, so as to ultimately develop resources and programs to provide foster youth with the skills they will need to avoid costly future justice system involvement. ***Effective September 1, 2013.***

  Note: For HB 2719 provisions relating to adult reentry, see page 10.

- **HB 2733 (White) [Sponsor: Whitmire]:** Relating to the administration and operation of the Texas Juvenile Justice Department. HB 2733 allows the Texas Juvenile Justice Department (TJJD) to obtain criminal records from the Department of Public Safety for, among others, a child in TJJD's custody, and a person requesting visitation to a TJJD facility. However, this bill prohibits TJJD from denying visitation by an immediate family member solely because of the existence of a criminal background.

  Additionally, this bill changes the timing of the report submitted by TJJD to the state's Legislative Budget Board about the effectiveness of juvenile programs, from odd-numbered years to even-numbered years, so that the Legislature can work during the interim on potential bills that could improve the quality of these programs.

  The bill also removes the three-term limit for the independent ombudsman who monitors the state secure juvenile facilities and protects the rights and safety of youth incarcerated in those facilities; this will allow continuity and a maintained level of trust between that Office and confined youth. ***Effective September 1, 2013.***

- **HB 2862 (McClendon) [Sponsor: West]:** Relating to procedures related to juvenile cases. HB 2862 extends current regulations and requirements for short-term secure facilities to non-secure facilities. Among other things, this includes protection from invasive searches by non-professionals; a prohibition on depriving youth of food, clothing, or sleep as punishment; and the right to programming. This extension of protections will ensure that youth being held in a non-secure facility are afforded the same rights and safeguards as youth being detained in a short-term secure facility.

  Separately, HB 2862 permits juvenile courts to retain jurisdiction of a juvenile facing a waiver or transfer to an adult criminal court until that proceeding is complete.

  Furthermore, HB 2862 requires the Texas Juvenile Justice Department to collect and make the following data available to the public: The number of placements in a disciplinary seclusion lasting at least 90 minutes but less than 24 hours, the number of placements in disciplinary seclusion lasting 24 hours or more but less than 48 hours, and the number of placements in disciplinary seclusion lasting 48 hours or more. This takes an important step to protect youth in custody, through data collection that will ultimately help determine if facilities are using seclusions inappropriately. ***Effective September 1, 2013.***

  Note: This bill also allows military access to unrestricted juvenile records and permits confinement of a witness.

- **SB 92 (Van de Putte) [Sponsor: Thompson, Senfronia]:** Relating to the designation of a juvenile court and a program for certain juveniles who may be the victims of human trafficking. This bill allows courts to divert identified victims of prostitution from the justice system

and place them in a specialized "trafficked persons" treatment program, then dismiss the case and/or seal a victim's record upon successful completion of the program. An appropriate, effective, and structured support system will improve the lives of as many as 3,000 young victims in Texas, positively impacting their outcomes in both the short and long term. ***Effective September 1, 2013.***

- **SB 393 (West) [Sponsor: Lewis; Thompson, Senfronia]:** Relating to the criminal procedures related to children who commit certain Class C misdemeanors. This bill allows a youth defendant with a minor, fine-only offense to perform community service or receive tutoring rather than pay court-related costs or fines – thus still maintaining a strict level of accountability. Alternatively, this bill allows a judge to simply waive the defendant's payment of fines due to childhood, if such fines are deemed unnecessary.

  SB 393 also allows certain courts, schools, or probation departments to provide at-risk youth and system-involved youth with case managers and prevention and intervention services, to help them target the root causes of their misbehavior and improve their likelihood of graduating. As opposed to receiving a Class C misdemeanor citation for certain conduct, students will have the opportunity to address their misbehavior through counseling and avoid justice system involvement. Furthermore, if the county has a first-offender program, youth with a Class C misdemeanor (other than a traffic citation) may participate and have their case dismissed upon successful completion of such a program.

  Separately, SB 393 allows school districts to alternatively sanction youth who engage in disorderly conduct. Rather than receiving citations for misbehavior, youth may be subject to progressive sanctions, including a warning, a behavioral contract, school-based community service, or counseling or other services aimed at addressing behavioral problems. If a school district does not comply with these requirements and a citation is issued without providing a warning or progressive sanction, the citation will be dismissed.

  Finally, SB 393 restricts certain individuals' or agencies' access to records of youth who received a dismissal after a deferred disposition for a fine-only offense. It is important to ensure that youth who have atoned for their offenses and gotten back on the right path have a fair shot at success. ***Effective September 1, 2013.***

- **SB 394 (West) [Sponsor: Herrero; Wu]:** Relating to restricting access to records of children convicted of or receiving deferred disposition for certain fine-only misdemeanors. While most juvenile offenses in Texas are handled by the juvenile justice system, where records remain confidential and undisclosed to the public, children charged with fine-only misdemeanors are adjudicated in adult criminal courts, where records are open to the public until the child is convicted. This means that youth charged but not convicted of such minor offenses – for example, youth who have received deferred prosecution – have records that are open to the public. SB 394 restricts certain individuals' or agencies' access to records of youth who received a dismissal after a deferred disposition for a fine-only offense. It is important to ensure that youth who have atoned for their offenses and gotten back on the right path have a fair shot at success. ***Effective September 1, 2013.***

- **SB 395 (West) [Sponsor: Herrero]:** Relating to fines and court costs imposed on a child in a criminal case. This bill allows a youth defendant with a minor, fine-only offense to perform community service or receive tutoring rather than pay court-related costs or fines – thus still maintaining a strict level of accountability. Alternatively, this bill allows a judge to simply waive the defendant's payment of fines due to childhood, if such fines are deemed unnecessary. ***Effective September 1, 2013.***

- **SB 511 (Whitmire) [Sponsor: Workman]:** Relating to the commitment of certain juveniles to local post-adjudication secure correctional facilities in certain counties and to the release under supervision of those juveniles. This bill creates a 5-year youth sentencing pilot program in Travis County, and it specifically impacts determinate sentences, which are served first in the juvenile justice system, then completed in the adult justice system. Under the program, Travis County juvenile judges will be able to sentence youth to a determinate sentence but place them in a local juvenile facility, rather than a state juvenile facility. Travis County must develop a comprehensive plan for each confined youth in the pilot program to ensure a successful reentry to the community. ***Effective December 1, 2013.***

- **SB 670 (Whitmire) [Sponsor: Turner, Sylvester]:** Relating to the copying of certain records and files relating to a child who is a party to a juvenile proceeding. This bill allows juvenile defendants and their attorneys to make copies of records relating to their criminal proceedings, rather than having to take handwritten notes. This will

improve accuracy and increase the efficiency of the adversarial process, saving valuable time and resources. ***Effective Immediately (May 2013).***

- **SB 833 (Davis) [Sponsor: Dukes]:** Relating to the collection of data through the Public Education Information Management System (PEIMS) as to the foster care status of public school students. SB 833 requires the Texas Education Agency to use the Public Education Information Management System to gather information on public school students in foster care, which can help to identify gaps in performance among such youth, and allow for longer-term assistance for them. ***Effective Immediately (June 2013).***

- **SB 914 (Lucio) [Sponsor: Ratliff]:** Relating to a behavior improvement plan or a behavioral intervention plan adopted for certain students with an individualized education program. Currently, some students are enrolled in special education programs based on their individual needs. When a student is enrolled in such programs, an admission, review, and dismissal committee is responsible for creating that youth's individualized education program. If the youth later has behavioral problems, the school district employs behavioral specialists who develop a separate behavioral improvement plan or behavioral intervention plan for the student. This system has inadvertently led to the penalization of special needs students for their behavior, given that educators are unaware of the behavior improvement or intervention plan.

  SB 914 addresses this problem by allowing the initial admission, review, and dismissal committee to approve and incorporate the components of the behavioral improvement plan into the individualized education programs. Doing so will more holistically address students' needs and reduce the likelihood of unnecessary punishment. ***Effective Immediately (June 2013).***

- **SB 1003 (Carona) [Sponsor: Guillen]:** Relating to a review of and report regarding the use of adult and juvenile administrative segregation in facilities in this state. The overuse of seclusions (solitary confinements) is a serious problem in some secure juvenile facilities in Texas, especially for traumatized youth or youth with mental health concerns. This bill requires an independent third party to work with Texas' criminal and juvenile justice agencies to conduct a comprehensive evaluation of policies and practices related to administrative segregation and solitary confinement of youth and adults. This third party will provide outside expertise on best practices related to isolation and solitary confinement and will submit a report of its findings and recommendations to the Legislature by December 31, 2014. Among other things, the third party will examine access to transitional and rehabilitative programs and services; release procedures; statistical data related to the number of individuals in solitary confinement, including those with mental health issues and the average length of time spent in isolation; and the rate of recidivism among individuals who were confined in administrative segregation. This bill will help improve segregation and seclusion policies and practices, identify strategies to reduce the use of segregation, improve access to rehabilitative assistance for isolated individuals who will one day be released to the community (thus decreasing recidivism in the long term), and eliminate wasteful spending.

  Furthermore, SB 1003 requires the Texas Juvenile Justice Department to collect and make the following data available to the public: The number of placements in a disciplinary seclusion lasting at least 90 minutes but less than 24 hours, the number of placements in disciplinary seclusion lasting 24 hours or more but less than 48 hours, and the number of placements in disciplinary seclusion lasting 48 hours or more. This takes an important step to protect youth in custody, through data collection that will ultimately help determine if facilities are using seclusions inappropriately. ***Effective September 1, 2013.***

- **SB 1114 (Whitmire; West) [Sponsor: Herrero]:** Relating to the prosecution of certain misdemeanor offenses committed by children and to school district law enforcement. SB 1114 requires a police officer who issues a citation for delinquent conduct on school property or on a school vehicle (e.g., a bus) to submit to the court not only the police report, but also a witness statement and a victim statement, if any. This provision applies to delinquent conduct among children at least 12 years old, and a case cannot proceed to trial if the officer failed to submit available statements. SB 1114 also ensures that a child under the age of 12 may not be issued a citation for delinquent conduct on school grounds or on a school vehicle.

  Separately, this bill eliminates disruption of certain school-related activities by a primary or secondary school student as a criminal offense, and it prohibits the issuance of an arrest warrant for a Class C misdemeanor if the person committed the offense before his or her 17th birthday.

Finally, this bill adds children accused of committing Class C misdemeanors to the class of individuals eligible to participate in county first-offender programs, which may require restitution and/or programming. If a child successfully completes the program, the case will be closed and will not be referred to the juvenile court. ***Effective September 1, 2013.***

- **SB 1356 (Van de Putte) [Sponsor: McClendon; Riddle]:** Relating to human trafficking and its victims and the care of juveniles who have experienced traumatic events. A youth's past experience with trauma is the largest predictor of his or her assignment to increasingly serious secure placements. This bill requires staff who work with youth in the juvenile justice system to receive specialized training in trauma-informed care. Such training will equip staff with the skills to work successfully with youth who have experienced past traumatic events, thereby helping to build a sustainable, positive corrections environment that increases safety for youth and staff and reduces future system involvement.

  SB 1356 also requires juvenile probation departments to evaluate best practices associated with reducing sex trafficking, particularly as it pertains to identifying and assessing victims. Ultimately, a set of best practices will give departments real tools and strategies to address victims' specialized needs.

  Finally, SB 1356 requires the Crime Stoppers Advisory Council to create a program that encourages individuals to report criminal activity related to human trafficking and financially reward individuals who report such crimes. ***Effective September 1, 2013.***

- **SB 1419 (West) [Sponsor: Lewis]:** Relating to funding for juvenile case managers through certain court costs and to the establishment of the truancy prevention and diversion fund. SB 1419 authorizes juvenile case managers to intervene and provide assistance to youth with Class C misdemeanors, including "failure to attend school" offenses, prior to the case being filed. These case managers can be used in a county court, in a justice court, in a municipal court, by a school district, by a juvenile probation department, or by any other appropriate governmental entity. Payments for these services will go into a dedicated fund to be utilized solely for truancy prevention and intervention. ***Effective September 1, 2013.***

- **SB 1769 (Rodríguez) [Sponsor: White]:** Relating to the creation of an advisory committee to examine the fingerprinting practices of juvenile probation departments. Contact with the juvenile justice system continues to create long-term collateral consequences for Texas youth. In most jurisdictions, a juvenile is fingerprinted at the initial contact with the juvenile system; those fingerprints are forwarded to the Texas Department of Public Safety and to the FBI, through which employers, housing providers, and others can access the prints.

  Under this bill, the Texas Juvenile Justice Department will convene an advisory panel to determine whether Texas can safely stop fingerprinting youth referred to the juvenile justice system for low-level offenses; this panel will include prosecutors, law enforcement, probation officers, and others, thus ensuring broad stakeholder input. No later than December 1, 2014, the panel must submit a report to the Texas Juvenile Justice Board detailing the plans to implement their task.

  Ultimately, if Texas does not fingerprint youth for low-level offenses, no criminal record will be created. This may be the most effective way to prevent these records from harming youth who have atoned for the low-level offense and have gotten their lives back on the right path. ***Effective Immediately (June 2013).***

☐ Solutions for Pretrial, Defense & Innocence

- **HB 577 (Guillen) [Sponsor: Ellis]:** Relating to the representation of certain applicants for writs of habeas corpus in cases involving the death penalty. Under previous law, all writs were delegated to the Office of Capital Writs. This bill clarifies that only capital writs should be delegated to that Office. ***Effective Immediately (June 2013).***

- **HB 1318 (Turner, Sylvester) [Sponsor: Whitmire]:** Relating to the appointment of counsel to represent certain youths and indigent defendants. This bill requires court-appointed attorneys to annually report information on their caseloads to the county in which they practice; counties, in turn, will submit that information to the Texas Indigent Defense Commission. Not only will this improve accountability through increased data collection and information sharing, it will give local judges the tools to make effective appointments, while preserving local control over caseload standards. Furthermore, through a mandated study by the Commission on appointed attorney caseloads, this bill will help state leadership

make critical, well-informed decisions about caseload standards, best practices, and resource allocation.

Separately, HB 1318 prohibits a public defender's office from accepting a case if doing so would violate the maximum allowable caseload established at that office. If a public defender's office fails to accept a case, the Chief Public Defender must submit a written explanation to the court, showing good cause. The Chief cannot be terminated or sanctioned for refusing to accept a case in good faith. ***Effective September 1, 2013; Sections 1 and 6 effective September 1, 2014.***

Note: For HB 1318 provisions relating to youth defense, see page 1.

- **HB 1847 (Carter) [Sponsor: Huffman]:** Relating to continuing legal education in ethics or professional responsibility for prosecutors. This bill requires that within 6 months of starting work as a prosecuting attorney, a person must complete at least one hour of continuing legal education relating to the duty of a prosecuting attorney to disclose exculpatory and mitigating evidence in a criminal case. This bill will serve as an important tool in highlighting contributors to prosecutorial misconduct, and may ultimately prevent future wrongful convictions or incarcerations. ***Effective January 1, 2014.***

- **HB 2090 (Canales) [Sponsor: Hinojosa]:** Relating to a written statement made by an accused as a result of custodial interrogation. The U.S. Constitution protects individuals from being compelled in a criminal case to be a witness against himself or herself. Current Texas law does not, however, require a signed written statement to be in a language that the accused can read and understand. As a result, an individual who does not read or comprehend English could potentially sign a statement in English without understanding its contents, increasing the chances of an erroneous conviction. This contravenes the basic tenants of our justice system and runs contrary to the constitutional protection against being compelled to be a witness against oneself. HB 2090 will require a written statement that is signed by the accused to be made in a language that he or she can read and understand before it can be admitted as evidence in a criminal proceeding. ***Effective September 1, 2013.***

- **SB 344 (Whitmire) [Sponsor: Turner, Sylvester; Wu]:** Relating to the procedure for an application for a writ of habeas corpus based on relevant scientific evidence. This bill allows an individual to file a writ of habeas corpus seeking relief from a conviction if scientific evidence is discovered that would negate the conviction. Such evidence must not have been available to the defendant through reasonable diligence at the time of the original trial – but had it been available, it would have had to have been relevant, admissible, and likely to have negated the conviction. This bill will allow incarcerated individuals to take advantage of new technology and evidence that can prove their innocence, and potentially cut back on further incarceration expenses. ***Effective September 1, 2013.***

- **SB 825 (Whitmire) [Sponsor: Thompson, Senfronia]:** Relating to disciplinary standards and procedures applicable to grievances alleging certain prosecutorial misconduct. Current Texas code allows individuals to file grievances against attorneys for misconduct, and it sets out various disciplinary measures (including public or private reprimands). SB 825 requires the state Supreme Court to establish a rule that prohibits a simple private reprimand if a prosecutor fails to disclose evidence or information to the defense that would have negated an individual's guilt or mitigated the offense.

  Furthermore, this bill changes the 4-year statute of limitations period to file a grievance against an attorney for failure to disclose evidence; the statute will begin to toll on the date that the wrongfully imprisoned person is released from a prison or state jail (rather than the date when the violation was discovered). This gives individuals an adequate opportunity to file a grievance based on prosecutorial misconduct, increases public confidence in the justice system, and improves accountability and transparency. ***Effective September 1, 2013.***

- **SB 1044 (Rodríguez) [Sponsor: Walle; Moody]:** Relating to access to criminal history record information by certain entities, including certain local government corporations, public defender's offices, and the office of capital writs, and to an exemption for those offices from fees imposed for processing inquiries for that information. This bill creates uniform standards regarding attorneys' access to criminal history record information, which is necessary to fully and effectively represent defendants. Specifically, it will entitle the following offices to fee-exempt access to relevant records maintained by the Texas Department of Public Safety: public defender's offices, the Office of Capital Writs, and certain local government corporations created to conduct criminal identification activities (background checks). ***Effective September 1, 2013.***

- **SB 1292 (Ellis) [Sponsor: Turner, Sylvester; Miles; Carter]:** Relating to DNA testing of biological evidence in certain capital cases. This bill requires the Department of Public Safety to perform DNA testing on all biological evidence collected during the investigation of an offense in which the state is seeking the death penalty. If the state and the defendant do not agree as to what constitutes biological evidence, either party may request a hearing to determine the answer, and all DNA collection must be completed before the formal trial begins. This will protect due process and reduce wrongful convictions, while also saving the state significant funds by reducing costly appeals, unnecessary incarceration, and long-term compensation costs. ***Effective September 1, 2013.***

- **SB 1475 (Duncan) [Sponsor: Zerwas]:** Relating to a jail-based restoration of competency pilot program. This bill creates a 4-year, permissive competency restoration pilot program in up to two county jails to treat defendants who are incompetent to stand trial. Under the bill, the Department of State Health Services (DSHS) must authorize a private provider to operate and manage the program, and a stakeholder workgroup – to include county leadership, law enforcement, a judge and attorneys, a representative of a mental health provider, and mental health advocates – will help to develop rules for the program. The provider must meet strict criteria that will be critical in ensuring strong care for program participants.

  If the provider determines that a defendant will not immediately begin to receive competency restoration services, the defendant will be transferred to an appropriate mental health facility or residential care facility, as provided by the court order. Furthermore, when it is determined that the defendant has achieved competency, the provider's psychologist must immediately notify the court. On the other hand, if the psychologist determines that competency is unlikely to be restored or the defendant has not reached competency after 60 days, the psychologist will work with the court to place the defendant in another setting or handle the defendant's case in another way.

  Also under this bill, if DSHS does establish a pilot program, it must submit a report to various legislative committee heads by December 2016 outlining the program outcomes and providing collected information. ***Effective September 1, 2013.***

- **SB 1611 (Ellis; Duncan) [Sponsor: Thompson, Senfronia; Lewis; Moody; Farney; Davis, Yvonne]:** Relating to discovery in a criminal case. This bill improves defendants' access to important evidence regarding their case, including law enforcement reports and witness statements, and it requires the prosecution to provide all such discoverable information upon the defense's request. This will assist counsel in providing a strong defense for their clients. Note: If a defendant is working pro se (without an attorney), the state is not required to give copies of the evidence to the defendant, but must allow the defendant to observe the evidence.

  Separately, SB 1611 limits the information that the defense may share with third parties, thus minimizing the disclosure of sensitive information for the protection of victims. ***Effective January 1, 2014.***

☐ Solutions for Safely Reducing Incarceration

- **SB 126 (Nelson) [Sponsor: Davis, John]:** Relating to the creation of a mental health and substance abuse public reporting system. Given high rates of arrest for drug possession in Texas, as well as a high incidence of mental illness among system-involved populations, it is critical to improve access to and awareness about available community-based treatment programs. This bill will help to provide information about which behavioral health programs and services in Texas – including mental health and substance abuse services – are the most successful, based on performance and outcome measures. This information will assist Texans in selecting substance abuse and mental health programs that are appropriate for their needs, while also helping state and local decision-makers determine which programs warrant ongoing or increased investments. ***Effective September 1, 2013.***

- **SB 358 (Hinojosa) [Sponsor: Muñoz, Jr.]:** Relating to the use of a polygraph statement as evidence that a defendant or releasee from the Texas Department of Criminal Justice has violated a condition of release. Courts may require individuals on probation to submit to regular polygraph tests as part of their conditions of probation. Failing a polygraph examination can result in further investigation and even probation revocation, resulting in an expensive term of incarceration. However, Texas jurisprudence is clear that results of polygraph examinations are inadmissible for various evidentiary purposes and cannot, alone, serve as the basis of an adjudication of guilt or probation revocation. This bill clarifies that judges cannot revoke a person's

probation based solely on the uncorroborated results of a polygraph examination. Given that probation is a cost-efficient and effective alternative to incarceration, it is essential that individuals are only revoked when other rehabilitative options have been exhausted. ***Effective Immediately (June 2013).***

- **SB 462 (Huffman) [Sponsor: Lewis]:** Relating to specialty court programs in this state. Texas specialty courts are designed to serve certain groups, including veterans, individuals with mental illnesses, and individuals convicted of crimes caused by drug addiction. During the past 10 years, the number of specialty courts in Texas has grown exponentially. This bill will ensure that each of these courts is operating effectively and efficiently by establishing performance tracking and accountability systems. Specifically, SB 462 requires specialty courts to: register with the Criminal Justice Division of the Governor's office; track and report their performance; and comply with best practices adopted by the Criminal Justice Division, which is guided by the Specialty Courts Advisory Council. This bill also increases the number of Specialty Courts Advisory Council members from 7 to 9. Through a stronger specialty court system, Texas will enhance public safety outcomes and improve resource prioritization and allocation. ***Effective September 1, 2013.***

- **SB 484 (Whitmire) [Sponsor: Turner, Sylvester]:** Relating to the creation of a prostitution prevention program; authorizing a fee. This bill allows for the creation of local or regional prostitution diversion programs, which will apply only to eligible participants with the consent of the district attorney. These programs will provide access to coordinated information and services relating to substance abuse, mental health, and sex-related issues; successful completion of a program, followed by two subsequent years of law-abiding behavior, may result in an individual receiving an order of nondisclosure – an incentive to remain on the right path. This rehabilitative approach to prostitution will provide sex workers the tools to safely and permanently exit the business, in turn saving the state and counties much-needed funds otherwise spent policing, prosecuting, and incarcerating these individuals, and positively impacting both public health and public safety.

  As a further benefit, certain programs under SB 484 will be established and maintained with federal funds. Note: If a county with a population over 200,000 receives sufficient federal or state funds to operate a program, county participation is mandatory. ***Effective September 1, 2013.***

- **SB 1096 (Hinojosa) [Sponsor: Muñoz, Jr.]:** Relating to the monthly fee a defendant must pay during a period of community supervision. This bill removes the obligation to continue paying monthly probation fees after a judge terminates an individual's probation period. ***Effective September 1, 2013.***

- **SB 1173 (West) [Sponsor: White]:** Relating to procedures for the sentencing and placement on community supervision of defendants charged with the commission of a state jail felony. Texas' state jail system, created in 1993, was originally intended to divert individuals with nonviolent offenses from crowded prisons; instead, such individuals would receive rehabilitative assistance in the community or, if having trouble in the community, would be confined in local state jails. Now, nearly 100% of individuals (many of whom prefer state jail over longer and stricter probation terms) are directly sentenced to state jail facilities, with extremely limited access to treatment and programming options, and typically without any post-release supervision. As a result, state jail releasees have the highest rates of re-arrest and re-incarceration among returning populations.

  Under this bill, a probation officer will complete a pre-sentence report that contains a proposed supervision plan and, if the defendant is charged with a state jail felony, recommendations for conditions of community supervision if probation is determined to be appropriate. Before imposing a sentence in a state jail felony case, the judge must consider this report to determine whether to place the defendant on community supervision, impose the sentence, or order the sentence to be executed in part followed by a term of community supervision to commence after release.

  With the new option of a partial sentence followed by a term of community supervision, the individual would be discharged onto probation rather than released without supervision and support. While on probation (which costs 31 times less per day than a state jail term), a person will be held accountable to a probation officer and have access to effective rehabilitative programming, which reduces the likelihood of re-offending and costly re-incarceration.

  Finally, SB 1173 requires the Texas Department of Criminal Justice to determine the cost savings associated with placing defendants on community supervision instead of ordering them to state jails, with 30 percent of savings reinvested in the continuation and improvement of probation programs. ***Effective September 1, 2013.***

Solutions for Confinement & Reentry

- **HB 62 (Guillen) [Sponsor: West]:** Relating to a justice or judge having an interest in a business entity that owns, manages, or operates a private correctional or rehabilitation facility. To avoid conflicts of interest during sentencing, this bill prohibits judges from holding a financial interest in a private correctional or rehabilitation facility. ***Effective January 1, 2015.***

- **HB 86 (Callegari; Cook; Laubenberg) [Sponsor: Lucio]:** Relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation. During the 2011-12 legislative interim, the House Committee on Government Reform recognized the problems associated with increased licensing regulations. These regulations can raise consumer prices and limit competition. To address these problems, HB 86 establishes a process for evaluating proposed licensing programs and legislation, specifically to ensure that they serve a clear public interest and provide the least restrictive form of regulation that will adequately protect public safety. ***Effective September 1, 2013.***

- **HB 634 (Farias; Lucio III) [Sponsor: Rodríguez]:** Relating to the verification of an inmate's veteran status by the Texas Department of Criminal Justice. The Texas Department of Criminal Justice (TDCJ) has historically had difficulty determining which inmates have previous military experience. This bill requires TDCJ to utilize data from the federal Public Assistance Reporting Information System (PARIS), made available through Texas' Health and Human Services Commission, to verify the veteran status of each incoming individual. That information will help TDCJ assist incarcerated veterans in their efforts to apply for military benefits; create meaningful reentry plans that will help veterans as they transition back into society; and coordinate with the Veterans Administration in its efforts to provide critical mental health counseling and assistance to system-impacted veterans. ***Effective Immediately (June 2013).***

- **HB 797 (Thompson, Senfronia; Miles) [Sponsor: Garcia]:** Relating to certain written information the Windham School District must provide to a person before the person enrolls in a district vocational training program. Incarcerated individuals who do not realize that they may face stringent (and perhaps insurmountable) post-release obstacles to obtaining an occupational license may sign up to learn a trade that they will never be able to practice. This bill requires the Windham School District (WSD) to provide potential vocational trade students with information about post-release licensing restrictions, rates of licensing among past WSD students, and the licensing and appeals process. This will allow incarcerated individuals to make better decisions about enrolling in vocations courses, thus enabling the best possible opportunities to find meaningful, post-release employment and contribute as a taxpayer in the community. It will also help WSD identify students who will most benefit from limited vocational course slots, while reducing long waitlists for courses. ***Effective Immediately (June 2013).***

- **HB 798 (Thompson, Senfronia) [Sponsor: Garcia]:** Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor. Current Texas code allows licensing agencies to deny an individual an occupational license for having previously been convicted of a Class C misdemeanor. Yet such low-level offenses result only in the issuance of a ticket and the imposition of a fine; they almost never result in jail time. This bill prohibits licensing authorities from denying licenses to people with Class C misdemeanors – unless the applicant is seeking a license that authorizes him or her to carry a gun, and he or she has been previously convicted of a domestic violence offense. This bill will allow more men and women to find gainful employment, support their families, and contribute to their communities. ***Effective September 1, 2013.***

- **HB 799 (Thompson, Senfronia; Miles) [Sponsor: Whitmire]:** Relating to vocational training programs provided by the Windham School District. This bill requires the Windham School District to continually assess the Texas job market and provide vocational programs that will build relevant skill sets. Doing so will create a larger qualified workforce and ensure that more returning individuals are matched with available trades in Texas communities, while reducing the likelihood that such individuals will become unemployed and return to crime. ***Effective September 1, 2013.***

- **HB 1188 (Thompson, Senfronia; Perry; Miles) [Sponsor: Whitmire]:** Relating to limiting the liability of persons who employ persons with criminal convictions. This bill limits employer liability on charges of negligently hiring or failing to adequately supervise an employee who has a criminal conviction, with two exceptions: (1) the employer knew of the past crime and the conviction was for a serious aggravated or violent sexually related felony, or involved a crime committed in circumstances substantially similar to those required by the current job

duties, or (2) the employee's current offense is fraud or misuse of funds, and he or she has previously been convicted of a similar crime. ***Effective immediately (June 2013).***

- **HB 1544 (Allen) [Sponsor: Ellis]:** Relating to the authority of a county to contract with a private vendor for the operation of a detention facility. This bill requires all Texas counties to get written approval from the local sheriff before entering into a contract to privatize a local jail. ***Effective immediately (June 2013).***

- **HB 1659 (Thompson, Senfronia) [Sponsor: Lucio]:** Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses. A criminal record can severely limit an individual's access to housing, employment, and other benefits, thus increasing the likelihood of re-offending. Barriers to these necessities are especially troubling when an individual has successfully completed a term of deferred adjudication, which allows the sentencing judge to set aside the conviction after the person has fulfilled all obligations of community supervision. HB 1659 will limit an occupational licensing agency from considering a person's deferred adjudication during a license suspension or revocation process, for crimes other than aggravated felonies, if five years have passed since the completion of deferred adjudication. This will lessen barriers to licensing that are unnecessarily and unfairly placed on those who successfully complete their court-ordered community supervision and rehabilitative programming. ***Effective September 1, 2013.***

- **HB 2719 (Guillen) [Sponsor: Rodríguez]:** Relating to collecting and reporting information concerning inmates who have been in the conservatorship of a state agency responsible for providing child protective services and concerning inmate parole, reentry, and integration. Under this bill, parole officers and reentry coordinators will improve the data they track and report. Reporting requirements under this bill will include, among other things, data related to: referrals for employment, housing, education, treatment, services, medical care, and other basic needs; the outcomes of client referrals, as well as areas where referrals are not made because of unavailable resources; information on available community resources; common barriers to reentry; common benefits or services that reentry coordinators help releasees obtain or apply for; and information on available training opportunities for both parole officers and reentry coordinators.

  The Texas Department of Criminal Justice's Reentry and Integration Division and Parole Division will jointly prepare and submit an annual report containing this data to relevant state agencies and legislative stakeholders. This joint report will also be made available to the public. Ultimately, this bill will improve officer/coordinator accountability and efficiency, help to identify gaps in reentry services (especially in historically underserved areas), and create a cultural shift toward more effective case management. ***Effective September 1, 2013.***

  Note: For HB 2719 provisions relating to youth justice, see page 2.

- **SB 107 (West) [Sponsor: Johnson]:** Relating to the disclosure by a court of criminal history record information that is the subject of an order of nondisclosure. A criminal record poses significant barriers to reentry, including limited access to housing, employment, and other critical tools that reduce the likelihood of costly re-offending. In recognition of this, Texas courts may order the criminal conviction of an individual to be sealed in specific instances. However, while current code prohibits "criminal justice agencies" from disclosing sealed criminal history information, it does not include courts in its definition of criminal justice agencies, thereby creating a loophole that allows court clerks to disclose criminal history information. This bill closes that loophole for individuals who have successfully completed a period of deferred adjudication and who have petitioned the court for an order of nondisclosure.

  Separately, this bill allows civil petitions for an order of non-disclosure to be filed electronically or mailed on a standardized form, which will eliminate the need for an attorney's assistance to draft and file the petition. The Office of Court Administration must create and provide the online form. Upon an individual's request for an order for nondisclosure, the court must order a hearing to determine whether the petition should be granted – unless the state does not request a hearing on the issue, *and* the court finds that the defendant is eligible for the order of nondisclosure, and the order is in the best interests of justice.

  Ultimately, this bill preserves important safeguards while encourage wider hiring of previously incarcerated individuals, increasing applicant pools, and helping to improve reentry success rates. ***Effective September 1, 2013.***

- **SB 345 (Whitmire) [Sponsor: Parker]:** Relating to certain programs for inmates, including the abolition of the state boot camp program and the use of programs by volunteer and faith-based organizations. Under this bill, each prison warden in the Texas Department of Criminal Justice (TDCJ) will issue a brief yearly report detailing his or her efforts to identify and actively encourage volunteer organizations (like veterans groups, faith-based organizations, local government agencies, and non-profit organizations) to provide programming in that warden's unit. This will allow wardens to share information about volunteer recruitment strategies, as well as information about proven, evidence-based programs that work best for particular populations. It will also save the corrections system money by leveraging existing resources, while ultimately expanding inmates' access to critical programming that will ease the reentry transition and lower rates of re-offending (e.g., programs to build literacy and education, life skills, and job skills, or parent-training programs).

  Separately, SB 345 abolishes the state boot camp program for inmates. Boot camps have proven to be costly and ineffective; yet, TDCJ has been required to maintain boot camp facilities that are not utilized. Abolishing the requirement to operate a boot camp facility that is not being used sill allow the state to spend the resources on more effective strategies. ***Effective September 1, 2013.***

- **SB 369 (Whitmire) [Sponsor: Burnam]:** Relating to certain information available to the public on a central database containing information about sex offenders. Under this bill, the state's public sex offender registry will no longer be required to include the names and addresses of registrants' employers. This will protect employers from harassment and will prevent punishing employers who make responsible, appropriate job placements that increase the likelihood that people will remain law abiding. ***Effective September 1, 2013.***

- **SB 1003 (Carona) [Sponsor: Guillen]:** Relating to a review of and report regarding the use of adult and juvenile administrative segregation in facilities in this state. This bill requires an independent third party to work with Texas' criminal and juvenile justice agencies to conduct a comprehensive evaluation of policies and practices related to administrative segregation and solitary confinement of youth and adults. This third party will provide outside expertise on best practices related to isolation and solitary confinement and will submit a report of its findings and recommendations to the Legislature by December 31, 2014. Among other things, the third party will examine access to transitional and rehabilitative programs and services; release procedures; statistical data related to the number of individuals in solitary confinement, including those with mental health issues and the average length of time spent in isolation; and the rate of recidivism among individuals who were confined in administrative segregation. This bill will help improve segregation and seclusion policies and practices, identify strategies to reduce the use of segregation, improve access to rehabilitative assistance for isolated individuals who will one day be released to the community (thus decreasing recidivism in the long term), and eliminate wasteful spending. ***Effective September 1, 2013.***

  Note: For SB 1003 provisions relating to youth justice, see page 4.

- **SB 1185 (Huffman) [Sponsor: Thompson, Senfronia]:** Relating to the creation of a mental health jail diversion pilot program. This bill creates a 4-year, service-oriented mental health pilot program in Harris County (Houston) that will offer mentally ill individuals the tailored assistance they need to live responsibly in the community, following their release from the Harris County jail. More specifically, the Department of State Health Services will develop a "criminal justice mental health service model" to initially address the needs of at least 200 participants. The program will provide access to available social, clinical, housing, and welfare services during the first weeks after a person's release from jail.

  SB 1185 also seeks the cooperation and critical input of a variety of local stakeholders and service providers, to assure the most effective program is in place considering existing programs and strategies. Furthermore, the bill calls for a report by the Harris County Commissioner on the pilot program by the end of 2016, ensuring transparency and accountability. This preventive approach to assisting mentally ill individuals will best enable them to adapt and rehabilitate, keeping them from repeatedly re-offending and being re-incarcerated at massive taxpayer expense. ***Effective immediately (June 2013).***

- **SB 1289 (Williams) [Sponsor: Bohac]:** Relating to certain business entities engaged in the publication of mug shots and other information regarding the involvement of an individual in the criminal justice system; providing a civil penalty. This bill requires business entities that publish criminal histories to include accurate and

complete information. The information is considered complete if it reflects all notations of arrest and the filing and disposition of all criminal charges, as applicable; and it is considered accurate if it reflects the most recent information received by the entity from the Department of Public Safety, or was obtained from a law enforcement agency or criminal justice agency within 60 days of the date of publication.

SB 1289 also requires entities to publish their e-mail address, fax number, or mailing address so that a person can dispute the completeness and accuracy of the information. If the entity receives a complaint about disputed information, it must conduct a free investigation as to the accuracy and completeness of the information within 45 days. If any information is inaccurate or incomplete, the business entity must promptly and permanently remove the information from its system.

Lastly, SB 1289 imposes a civil penalty if such entities publish information that is under an order of expunction or nondisclosure. ***Effective September 1, 2013.***

☐ Criminal Justice Agency Sunset Legislation

- **SB 213 (Whitmire; Nichols) [Sponsor: Price]:** 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. As it pertains to alternatives to incarceration, this bill requires the development and implementation of a standardized risk and needs assessment instrument to be used when individuals are placed on probation; the instrument must be in place by 2015. The bill also calls for an examination of the probation system's grant processes, as well as recommendations pertaining to the possibility of performance-based funding formulas.

  As it pertains to rehabilitative approaches to incarceration and reentry, this bill requires the development and implementation of the above-mentioned standardized risk and needs assessment instrument, to be used in prisons and state jails to inform individual treatment plans. The bill also requires the full implementation of a reentry plan that utilizes that risk and needs assessment, and facilitates programming to address assessed needs; the plan must be evaluated and updated every three years. Furthermore, the bill expands the state's Reentry Task Force membership and duties, and it requires the Board of Pardons and Paroles to give specific reasons, in writing, for a denial of parole.

2013 FUNDING PROVISIONS

Below are key components of the state's budget, SB 1, pertaining to juvenile and criminal justice.

Juvenile Justice

In an effort to defeat early attempts to drastically cut funds from local juvenile probation services, practitioners, youth, and advocates alike banded together to inform legislators about the significant need for more—not less—state funding. Attempts were also made to close multiple state secure facilities, which would further increase the financial burden on local communities and result in a mass transfer of youth to other facilities in a very short time.

However, by the conclusion of the 2013 legislative session, stakeholders reached a compromise. Specifically, policy-makers appropriated $327 million solely for Community Juvenile Justice for the 2014-2015 biennium, 9% of which is dedicated to serving youth with mental health needs. Furthermore, policy-makers chose to close one of Texas' six state secure facilities for youth.

TCJC considers these outcomes a win, as they fall in line with specific components of sustaining juvenile justice reform in Texas. The closure of a state secure facility and the re-alignment of funds to serve youth within local communities, especially youth with the highest needs (e.g., kids with mental health needs), are necessary in helping the Texas Juvenile Justice Department become an effective front-end agency.

Key Budget Riders

The following riders provide additional or more specific information about the use of juvenile justice funding:

- **Rider 28: Reporting Requirements to the Legislative Budget Board:** Per this rider, the Texas Juvenile Justice Department must begin annually reporting on prevention and intervention programs, including their utilization and effectiveness. The Department implemented prevention and intervention services more than a year ago, and they are limited in scope. These reporting requirements will provide the Department with the necessary data to determine whether the programs are meeting the needs of youth.

- **Rider 32: Juvenile Justice Department Institutional Capacity:** This rider imposes an institutional cap on the number of beds the state is allowed to operate within state secure facilities. As the agency moves forward in reaching its goal of becoming a front-end entity, caps such as this one are crucial in facilitating the Department's prioritization of community-based programs and services. The cap for the 2014-2015 biennium has been set at 1,356 beds, not including halfway house-facilities operated by the Department, or contract facilities.

- **Rider 33: Local Assistance:** This rider designates funds ($150,000 in FY 2014 and $144,000 in FY 2015) and requires two-full time employees of Central Administration in each fiscal year to evaluate and improve programming at the local level. With this designation, local probation departments will be given much-needed assistance in ensuring that the programming and treatment being offered to their youth are well designed, implemented, and evaluated, and ultimately effective.

- **Rider 35: Facility Closure:** This rider requires at least one state secure youth facility to be shut down. The Department must identify which facility should be closed, determine the needs of the current youth population in that facility, and create a transition plan—with treatment components—for the youth who will be impacted. The Department must present the plan to the Legislative Budget Board no later than September 1, 2013.

- **Rider 36: Mental Health Services:** This rider creates a new line item, A.1.7., within Community Juvenile Justice, specifically for mental health services for youth being supervised by local juvenile probation departments. This new, greatly needed funding stream will help probation departments serve youth with the highest needs. Collectively, more than $25 million has been allocated to this line item for the 2014-2015 biennium.

Indigent Defense

The Texas Indigent Defense Commission awards grants and much-needed technical assistance to Texas' 254 counties on issues related to defense systems and models, helping counties develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities.

Prior to Texas' 2011 Legislative Session, the Commission was permitted to roll forward the unexpended balance in its Fair Defense Account every biennium; since then, the Commission's unexpended funds—intended for indigent defense—have been held by the State as a means to balance the state budget.

This session, policy-makers allocated approximately $48 million for FY 2014 and $31 million for FY 2015 to the Commission, which effectively restores all funding designated for indigent defense purposes.

Facility Closures

Policy-makers' re-prioritization of corrections strategies has built momentum for facility closures over the past two legislative sessions. In 2011, Texas closed a prison for the first time (Sugar Land Unit); during this recent 2013 legislative session, budget-makers targeted two private facilities for closure, which will occur in the coming biennium, as per the following rider:

- **Rider 64: Close Private Prisons:** This rider requires TDCJ to reduce correctional facilities bed capacity to contain costs as they pertain to "Contract Prisons and Privately Operated State Jails," and "Residential Pre-Parole Facilities." When making reductions in bed capacity, TDCJ must consider the following: (a) projected incarceration demand for correctional facilities bed capacity; (b) safety and security issues; (c) inmate classification needs; (d) TDCJ staffing needs; (e) cost-effectiveness; (f) prioritization of state-owned facilities in lieu of privately operated contract facilities; and (g) any other information that TDCJ deems relevant. Based on these criteria, this rider will likely result in the closure of the Dawson State Jail (Dallas), and the Mineral Wells Pre-Parole Transfer Facility (North Texas).

Safely Reducing Incarceration

Policy-makers chose to continue and strengthen previous smart-on-crime reforms, once again proving their commitment to hardworking practitioners and ensuring the fidelity and success of responsible crime-reduction best practices – particularly diversions and other programs to reduce recidivism.

Specifically, probation and community-based programs were allocated approximately $298 million for FY 2014 and $301 million for FY 2015 (representing an approximate $41 million increase from last session), out of a total corrections budget of $3.1 billion for both FY 2014 and FY 2015.

Diversions funding has been allocated as follows:

- ***Basic Supervision:*** More than $110 million in FY 2014 and $113 million in FY 2015.
- ***Diversion Programs:*** Nearly $129 million in both FY 2014 and FY 2015.
- ***Community Corrections:*** Nearly $47 million in both FY 2014 and FY 2015.
- ***Treatment Alternatives to Incarceration Program:*** Nearly $12 million in both FY 2014 and FY 2015.

Special needs programs and services (primarily for individuals on probation or parole) received approximately $22 million per fiscal year.

Key Budget Rider

- **Rider 40: Implement Commitment Reduction Plans:** This rider requires the Texas Department of Criminal Justice to appropriate certain remaining funds towards the implementation of one or more commitment reduction plans; these plans were legislatively authorized in 2011 by SB 1055 to allow county probation departments to set target reduction goals that would safely cut the number of people from that county who will be sent to prison or state jail. Participating counties should receive an upfront, lump sum of the savings from projected commitment reductions to establish necessary programming; funds will then be apportioned to counties based on their continued performance and ability to achieve their desired goals.

Confinement & Reentry

The corrections budget is largely devoted to incarcerating felons, at $2.5 billion per fiscal year. Below, we have listed only those line items pertaining to treatment program, and rehabilitative and other services:

- Offender services ($14 million per year for FY 2014-15)
- Institutional services ($194 million for FY 2014 and $186 million for FY 2015)
- Unit and psychiatric care ($253 million for FY 2014 and $256 million for FY 2015)

- Hospital and clinical care ($167 million for FY 2014 and $171 million for FY 2015)
- Managed health care-pharmacy ($58 million for 2014 and $59 million for 2015)
- Health services ($4.8 million per year for FY 2014-15)
- Residential pre-parole facilities ($9 million per year for FY 2014-15)
- Academic/vocational training ($1.9 million per year for FY 2014-15)
- Treatment services (nearly $23 million per year for FY 2014-15)
- Substance abuse felony punishment ($57 million per year for FY 2014-15)
- In-prison treatment and coordination (nearly $35 million per year for FY 2014-15)

The corrections budget also allocates funding for Texas' parole system:

- Approximately $26 million each fiscal year for the operation of the Board of Pardons and Paroles. This budget allocation allows the Board to continue its high level of productivity.
- $165 million in FY 2014 and $166 million in FY 2015 for the operation of the parole system, including supervision, halfway house facilities, and intermediate sanction facilities.

Key Budget Riders

- **Rider 58: Improve TDCJ Ombudsman Reporting:** The current Ombudsman Program at the Texas Department of Criminal Justice (TDCJ) prepares regular reports for review by TDCJ leadership on inquiries and responses – but not on the ultimate resolution of each inquiry. This rider requires TDCJ's Ombudsman to provide regular, publicly available reports to the Governor and legislators on the number and types of inquiries made, and whether and how each inquiry was resolved. TDCJ's Ombudsman shall submit the annual reports no later than December 1st of each fiscal year for the preceding fiscal year's activity.

- **Rider 59: Improve TDCJ's Parole and Reentry Reporting:** This rider requires TDCJ's Reentry and Integration Division and Parole Division to submit an annual joint report to the Governor and legislators on various items. These include: outcomes from parole officers and reentry coordinators, including their program/placement referrals and outcomes (in housing, medical care, treatment for substance abuse or mental illness, veterans services, basic needs, etc.); available and unavailable programs, services, resources, and benefits; common reentry barriers; and practitioner training opportunities. This report, which must be made publicly available, shall be submitted no later than December 1st of each fiscal year for the preceding fiscal year's activity.

- **Rider 61: Study TDCJ Visitation Procedures:** This rider requires TDCJ to perform or commission a study on ways to improve its visitation polices, with the end goal being policies that strengthen family ties, including by expanding areas that are child-friendly during visitation periods, and notifying individuals who are eligible to visit incarcerated persons that visitation has been cancelled or rescheduled. TDCJ must report the findings of the study to the Legislative Budget Board and the Governor no later than September 1, 2014.

- **Rider 62: Track SAFPF Completion Rates:** This rider requires TDCJ to track program completion rates of individuals in Substance Abuse Felony Punishment Facilities (SAFPFs, which are structured treatment programs) to determine where improvements can be made and where resources should be allocated. Must report the findings to the Legislative Budget Board and the Governor no later than September 1st of each even-numbered year.

- **Rider 63: Provide Incarcerated Individuals with Useful Incarceration- or Reentry-Related Information:** This rider requires TDCJ to make information continually available to inmates on various topics, including but not limited to innocence and wrongful convictions, inmate transfers, the health care services fee, prisoners' civil rights, filing a grievance, requesting medical care, veterans services (pre- and post-release), child support, and reentry-related services, including information on community-based programs and services available in the areas in which an individual plans to be released. TDCJ must utilize available resources to accomplish these objectives, and may work with faith-based, nonprofit, and civil rights organizations, among others, to compile and provide this type of information to individuals, which should be available in TDCJ unit libraries and any other TDCJ areas that may increase individuals' knowledge of this information.

  Additionally, TDCJ must establish and provide programs to educate employees and incarcerated individuals about hepatitis, including issues related to hepatitis that are relevant to incarcerated individuals both while confined and on release.

Jail Standards

With a staff of just 16 people and an annual budget of less than $1 million, the Texas Commission on Jail Standards guards Texas counties from damaging lawsuits, specifically by setting constitutional jail standards for counties to follow, conducting facility inspections, enforcing compliance with rules and procedures, and offering vital technical assistance and training for counties. These functions, in turn, help keep jail staff and inmates safe.

The Commission received approximately $588,000 per fiscal year to perform jail inspections and enforce standards; collect data regarding inmate conditions, backlogs, and costs; and assist or receive assistance with operation planning and analysis. Furthermore, the agency received approximately $322,000 per fiscal year for indirect administration to provide finance, human resource, and technology assistance to staff, many of whom work across strategy areas. The commission also received one exceptional item of $10,000 per year for travel expenses, which will allow for additional onsite technical assistance and training.