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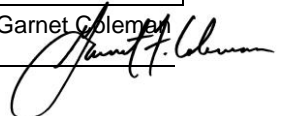
**LSG Floor Report for HB 2289 Prefiled Amendments – Saturday, May 04, 2013**

<b>Author</b>	<b>Amendment Number</b>	<b>Analysis</b>	<b>Recommendation</b>
Amendment by Allen	Amendment 831239	This amendment creates independent oversight through an ombudsman for adolescents who are housed in TDCJ by reviewing the facilities, programs, and services. Additionally, they oversee investigations and collect statistics regarding any complaints. They will create a report with the information from the last fiscal year and provide it to the Legislature. This amendment will create transparency and promotes best practices.	<b><u>Favorable</u></b>
Amendment by Allen	Amendment 831240	This amendment establishes a new TDCJ oversight committee to provide a continuing program of inspection and transparency. It lays out appointment of members, hiring of staff, and powers and duties. The committee is made up of four House members and four Senate members with even representation by political parties.  The committee must inspect at least 25 correctional facilities in a biennium and submit reports to the board every six months and to the Legislature every two years. Reports will evaluate the inmate grievance process and make policy recommendations on improving conditions and operations. The department will allow members and staff to access facilities without advance notice and will permit imprisoned persons or correctional employees to communicate with committee members and staff. Information about the committee will be available to the public.	<b><u>Favorable</u></b>
Amendment by Allen	Amendment 831243	This amendment improves the functions of the existing Criminal Justice Legislative Oversight Committee by increasing accountability, administration, and transparency within the criminal justice system. Similar to Amendment 831240 by Rep. Allen, this amendment requires the committee to regularly inspect correctional facilities and submit inspection reports to the LBB and the Legislature, along with assessments and recommendations to improve facility conditions. At least 25 inspections are required every two years, and five must be facilities under contract with TDCJ.  This amendment allows confidential correspondence between anyone employed or imprisoned within the facility and a member of the committee without penalty. The committee is composed of members from the House and Senate with even representation of political parties.	<b><u>Favorable</u></b>

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Amendment by Allen	Amendment 831244	This amendment streamlines current methods and removes bureaucracy during the process of providing inmates with credit for time served by allowing TDCJ employees the authority to grant the credit. Currently offenders are given the opportunity to participate in vocational and educational programs while incarcerated to promote good behavior, reduce recidivism, and cost-savings. Presently, TDCJ must report an inmate’s participation to a judge and the judge must apply the credit. Often judges do not get the information and are unable to grant the inmate the credit for time served.	<b><u>Favorable</u></b>
Amendment by Allen	Amendment 831245	This amendment makes information regarding reentry and reintegration resources and programs available to all inmates. It requires TDCJ and Windham School District (WSD) to collaborate with nonprofits and other community based organizations to gain this information. Additionally, WSD must make a resource guide available in their facilities and have a sufficient amount for each inmate. These guides must include basic contact information and the services offered. These guides will help offenders become self-sufficient by allowing giving them access valuable resources.	<b><u>Favorable</u></b>
Amendment by Allen	Amendment 831246	This amendment changes the review date Texas Department of Criminal Justice (TDCJ), Windham School District (WSD), Board of Pardons and Paroles (BPP) and Correctional Managed Health Care Committee (CMHCC) from 2021 to 2019. This will promote transparency and ensure that adequate services and assessments are being used within the departments.	<b><u>Favorable</u></b>
Amendment by Burnam	Amendment 831263	This amendment requires judges to provide a written statement as to why they did not sentence an individual charged solely with possession of a controlled substance to a treatment program or community service. This does not apply to an individual who has previously been convicted of a violent felony or is a registered sex offender. The data must be made available to the public through the Office of Court Administration. This amendment seeks to improve transparency around the judicial decision-making process by identifying statewide sentencing patterns and determining factors that prevent judges from utilizing cost-effective community services.	<b><u>Favorable</u></b>
Amendment by Davis, Yvonne	Amendment 831271	This amendment redefines “test result” and adds hepatitis to provisions requiring TDCJ, in consultation with DSHS to establish programs to educate inmates and employees on HIV and AIDS and to test inmates for HIV and AIDS. Language is clarified in relation to HIV as an infection. Increasing education and testing of the hepatitis infection could decrease the prevalence of the infection in TDCJ facilities and save future costs by avoiding long term treatment for inmates who contract the infection.	<b><u>Favorable</u></b>
Amendment by Dutton	Amendment 831210	This amendment adds provisions giving judges the authority to place first-time drug possession offenders on probation and in treatment, and may require the offender to participate in vocational or literacy training, family counseling, and/or community service. Upon successful completion of the requirements set by the judge, the offender may request for a dismissal of the charges and a nondisclosure order. This would reduce reentry barriers, recidivism and will provide individuals with a better opportunity to positively participate in society. This does not apply to individuals deemed to be a threat to society or who would not benefit from treatment.  In addition, the amendment designates that the maximum confinement sentence for third degree possession of one to four grams of a controlled substance is a Substance Abuse Felony Punishment Facility (SAFPF). This does not apply to possession with intent to distribute cases or cases affiliated with gang activity. (continued)	<b><u>Favorable</u></b>

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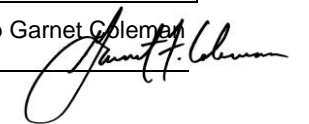


		The Texas Department of Criminal Justice (TDCJ) must provide an annual program evaluation to the Legislature for purposes of determining fiscal impact and overall effectiveness and efficiency.	
Amendment by Eiland	Amendment 831248	<p>This amendment orders a defendant to pay a \$27 fee to reimburse an arresting agency for the cost of collecting a DNA sample. This applies to adults charged or convicted with a Class B Misdemeanor or higher, unless the offense is only punishable by fine. Currently, only individuals indicted or arrested for a felony or convicted of sexual offenses must provide DNA samples for which no fee is required.</p> <p>This amendment updates the change of facility where juveniles are confined after adjudication and required to provide DNA from the Youth Commission to the Texas Juvenile Justice Department</p> <p>This amendment requires that the DNA record and sample be expunged from a database in cases that have been acquitted, dismissed after the completion of a pretrial diversion program, or completion of deferred adjudication community supervision. Records must also be expunged if the sample was collected in relation to the arrest of a person with a sworn affidavit stating no charges arose from the arrest have been filed.</p> <p>This amendment was created to address the fiscal note of HB 1038, which creates a DNA database to match criminal evidence to suspects. While the intent is laudable, placing the burden on defendants to pay for a DNA sample creates a financial obligation on accused individuals who are still deemed innocent until proven guilty. The minimum offense of a Class B misdemeanor is far-reaching. Widening the range of individuals required to submit their DNA is also burdensome on the arresting agency as it would require more resources and staff.</p>	<b><u>Will of the House</u></b>
Amendment by Guillen	Amendment 831250	This amendment requires TDCJ to collect information from an inmate regarding their past foster care system involvement during the intake process. The department must compile the data collected in a statistical summary and present the report to the Governor and Legislature by December 31 <sup>st</sup> of each year. Data collection will contribute to identifying needed resources and programs to better support youth and prevent future involvement with the justice system.	<b><u>Favorable</u></b>
Amendment by Guillen	Amendment 831262	This amendment requires the Criminal Justice Oversight Committee to appoint a third party to conduct an evaluation of the policies and practices related to administrative segregation and solitary confinement of youth and adults. The evaluation will contain statistics and information regarding the administrative segregation and release from segregation. The third party must report it's finding to the governor and legislature with detailed recommendations to reduce the segregation population, divert inmates with mental illness from segregation, and decrease the length of time inmates are confined in segregation. This amendment will identify areas needed for improvement in the administrative segregation and solitary confinement of youth and adults and will assess solutions to improve access to crucial and unique rehabilitative assistance, services, and programs needed to help isolated individuals.	<b><u>Favorable</u></b>

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Amendment by Johnson	Amendment 831186	This amendment requires TDCJ to determine whether an inmate is eligible for registration as a voter that before discharging the inmate who has fully completed their sentence including parole or supervision. If the inmate is eligible, the department must provide an official voter registration application form when the department discharges the inmate. This provision encourages civic duty, personal efficacy, and enables inmates to participate in exercising their right to vote.	<b><u>Favorable</u></b>
Amendment by King, Phil	Amendment 831237	This amendment requires the board to prioritize the closure of units that are the least cost effective to operate, based on the LBB's most recent edition of the Criminal Justice Uniform Cost Report. TDCJ may close one or more units and transfer the inmates housed in a unit being closed to another unit, even if the facility goes beyond capacity and exceeds the projected needs of the department.	<b><u>Unfavorable</u></b>
Amendment by Longoria	Amendment 831265	This amendment gives a judge the discretion on whether to modify the record of a felon to reflect a Class A misdemeanor, after the completion of 2/3 of the original community supervision. After the defendant is discharged, the judge is required to modify the conviction if certain criteria are met. The judge cannot change the name of the original offense, but the defendant is no longer a convicted felon.  This amendment will help reformed offenders reintegrate back into society as productive citizens because their background checks will no longer prohibit them from meeting their basic needs, such as finding housing and employment.	<b><u>Favorable</u></b>
Amendment by Márquez	Amendment 831056	This amendment requires TDCJ to implement an annual report detailing inmate information such as the number of TDCJ inmates referred to mental health services and the number of inmates in administered segregation. The report focuses heavily on administrative segregation and the cost of this type of confinement. Administrative Segregation is solitary confinement of an inmate for 23 hours out of the day. This amendment aims to reduce the cost of solitary confinement and ensure that inmates are receiving effective treatment by gaining information from TDCJ about their common practices. Additionally, this amendment has no fiscal impact, as it is a report, not a study.	<b><u>Favorable</u></b>
Amendment by McClendon	Amendment 831264	This amendment gives an individual the right to request removal of a criminal booking photo (mugshot) from a website at no fee or cost to the requestor. Some business' display criminal background information and mugshots on various Internet sites. Mugshot photographs are the legal property of the criminal justice agency; business entities are not given rights to the dissemination of this property and must cease publishing when requested.	<b><u>Favorable</u></b>
Amendment by Parker	Amendment 831256	This amendment creates a contract between the Texas Department of Criminal Justice (TDCJ) and an independent third party to conduct a study on the department's commissary operations. The study must review <i>each</i> facility's commissary process and make recommendations cut costs and improve operations. By December 1, 2014 the report must be submitted to the Legislature along with information on how the department implemented the third party's recommendations.  Currently there are over 100 state prison facilities operating under the TDCJ. <b>A commissary study at a cost to the state by an independent third party may not be fiscally conducive if there is not a negative concern with the system.</b> It has been stated that money for such a study, if not from the state, may come from the Commissary.	<b><u>Unfavorable</u></b>



		The Commissary is funded by the Educational and Recreational Fund which is used to provide educational and recreational activities to inmates. Thus, the amendment is counterproductive to the rationale for such research, which is to ensure that commissary procedures are cost-effective and useful, especially to the inmates receiving commissary benefits. <b>Currently, if there are operational issues the Internal Auditor assesses and makes recommendations to address concerns at no additional cost to the state or the Educational and Recreational Fund.</b> Further, no guidelines have been set for the independent third party to certify neutrality.	
Amendment by Rose	Amendment 831257	This amendment requires TDCJ to establish a voluntary offender peer education program by identifying inmates with specialized knowledge and skills and allowing them to develop a curriculum and facilitate workshops for other interested inmates. TDCJ is required to establish requirements for participation and a training program for inmates who will facilitate the workshops. Examination results and participation may be used by TDCJ to determine the effectiveness of workshops. This amendment will expand on a cost-free education model for the purpose of disseminating knowledge and skills that can benefit inmates in the rehabilitation process.	<b><u>Favorable</u></b>
Amendment by Rose	Amendment 831258	This amendment increases transparency by requiring TDCJ to inform an inmate's next of kin of any changes in the inmate's visitation eligibility if a phone number or e-mail address is available for the next of kin. This will save family members the time and resources it takes to visit a correctional facility if the inmate's visitation has been suspended.	<b><u>Favorable</u></b>
Amendment by Thompson, Senfronia	Amendment 831259	This amendment requires Texas Department of Criminal Justice (TDCJ) to establish operational guidelines for community residential facilities and applies only to counties with population more than 115,000. The amendment authorizes TDCJ to contract with vendors, specifically community-based organizations, to facilitate these centers. TDCJ is required to set performance measures for vendors and they must report their performance to determine if goals are met. Additionally, this amendment directs the executive director of Texas Department of Criminal Justice to establish rules regarding temporary housing for individuals upon release such as eligibility screening. Last, this amendment requires TDCJ to develop a pilot program focusing on re-entry strategies, reduce recidivism and cost containment. Faith-based and community-based facilities are recommended to implement this pilot program. The amendment outlines pilot program goals such as evaluating impact on reintegration as well as rates in recidivism. Pilot programs must operate for at least 24 months with an expiration date of August, 13, 2016. This amendment has an expiration date of August 31, 2017.	<b><u>Favorable</u></b>
Amendment by Toth	Amendment 831095	This amendment allows parole officers and reentry coordinators to improve the data they track by producing a quarterly report to the Legislative Criminal Justice Board. Data will include information about employment, housing, education, treatment, and medical referrals. Collected information will be provided to TDCJ, who will in turn submit reports to relevant state agencies, legislative stakeholders and the public. This improves transparency, efficiency and identifies gaps in reentry services.	<b><u>Favorable</u></b>
Amendment by Turner, Sylvester	Amendment 831251	This amendment requires the TDCJ to submit a report to the legislature on the number of grievances filed against correctional staff and information on how these grievances were resolved. This information will help state leadership determine if changes need to be made to operational policies.	<b><u>Favorable</u></b>

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Amendment by Turner, Sylvester	Amendment 831252	This amendment requires the TDCJ to conduct a study on the visitation policies at state jails and prisons. The study will make recommendations to improve these policies to better facilitate safety, child-friendliness, and an atmosphere conducive to family relationships.	<b><u>Favorable</u></b>
Amendment by Turner, Sylvester	Amendment 831253	This amendment requires TDCJ to conduct a study on the recidivism and rehabilitation rates of youthful offenders. The data gleaned from this study will help TDCJ make informed decisions regarding treatment, establish best practices for rehabilitative services and ultimately assist in lowering the recidivism rates of these offenders.	<b><u>Favorable</u></b>
Amendment by Turner, Sylvester	Amendment 831254	This amendment establishes an independent Ombudsperson tasked with providing oversight to youthful offenders. The Ombudsperson is required to review facility conditions, investigate claims made by youthful offenders and ensure the impartial resolution of these claims. The amendment requires the Ombudsperson to submit an annual report regarding these tasks.	<b><u>Favorable</u></b>
Amendment by Turner, Sylvester	Amendment 831255	This amendment clarifies statute by adding definitions for “child” and “facility.” The amendment changes the language in statute from “department” to “facility.” This adds more clarity to operators of state jails and prisons on applicable statute.	<b><u>Favorable</u></b>

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