

Summaries of Selected Legislation Passed by the 84th Legislature

Below are summaries of selected legislation passed by the 84th Legislature. It is not an exhaustive list.

HB 9 by Flynn – increases the State of Texas employee contribution for the pension program to a rate of 9.5 percent. The additional cost to members would be offset by an equivalent pay raise. The bill also eliminates the 90-day membership waiting period, therefore retirement contributions by both the state and employees will begin on the first day of employment.

In combination with additional contributions by the state, the infusion of funds would make the employee pension program actuarially sound.

HB 10 by Thompson – makes multiple changes related to the criminal and civil consequences of trafficking of persons and compelling prostitution and other related offenses and requires the Office of the Governor to establish the Child Sex Trafficking Prevention Unit within the Criminal Justice Division. The bill also requires the Texas Education Agency to receive reports related to trafficking of a child. Each school district and open-enrollment charter school will be required to report.

HB 48 by McClendon – creates the Timothy Cole Exoneration Review Commission to examine all cases in this state in which an innocent defendant was convicted and then, on or after January 1, 2010, was exonerated, and include all findings and recommendations in a detailed report.

HB 189 by Thompson – extends the statute of limitations for which a person may bring a civil suit for personal injury suffered during certain sex crimes. The bill also eliminates the statute of limitations for prosecuting sexual assault if probable cause exists that the defendant committed the same or similar sexual offense against 5 or more victims.

HB 307 by White, J. – requires TDCJ to conduct a study to determine the feasibility and potential costs and benefits to the state of implementing a pay-for-performance contract program for certain criminal justice programs and services. The agency must submit a report on the results of the study no later than November 1, 2016.

HB 372 by Riddle – requires as a condition of community supervision prohibiting certain defendants who must register as a sex offender and who have a numeric risk level of two or three from being able to access the internet for certain purposes. Currently, only those defendants with a numeric risk level of three fall under this restriction. The bill also requires the defendant to submit to regular inspection or monitoring of each electronic device used by the defendant to access the internet to insure compliance.

HB 583 by Larson – allows a judge to order a defendant, in lieu of performing a specified number of community work hours, to make a donation to a charitable organization engaged

primarily in performing functions for veterans. In a county with a population less than 50,000, the donation may be made to another nonprofit organization engaged in providing services or assistance to needy individuals or families in the community.

HB 634 by Metcalf – requires TDCJ and the Commission on Jail Standards to establish reasonable rules, procedures and policies regarding visitation of an offender by a guardian at a TDCJ correctional institution or a county jail.

HB 710 by Turner, Sylvester – currently, the Parole Division is required to issue a summons rather than a pre-revocation warrant for parolees (other than sex offenders, those on the super-intensive supervision program (SISP), absconders or those considered a threat to public safety) who have committed technical violations and who have been on parole supervision for at least three years. The bill changes three years to one year.

The bill also permits the Parole Division to issue a summons, rather than a pre-revocation warrant, for certain parolees who commit a new criminal offense if the offense is not greater than a Class B misdemeanor and is not against a child or a family violence offense. The parolee must have maintained stable employment and residence for at least one year; not been previously charged with an offense since being released; and not be a registered sex offender, on SISP, an absconder or a threat to public safety.

The bill also provides for the release of an offender subsequent to the hearing, pending a decision by the Board of Pardons and Paroles.

HB 875 by Farias - requires TDCJ, during the intake process, to record an inmate's military history on intake documents and verify an inmate's veteran status, using the best available federal data to assist inmates who are veterans in applying for federal benefits or compensation for which the inmate may be eligible under a program administered by the U.S. Department of Veterans Affairs. The bill also adds a similar requirement for county jail facilities.

HB 904 by Smith - requires all defendants convicted of a felony and sentenced to death, life or who are ineligible for release on bail pending appeal, and who give notice of appeal, to be transferred to TDCJ. Currently, the law only requires defendants convicted of a felony and sentenced to death, life or a term of more than 10 years to be transferred to TDCJ pending appeal.

HB 941 by Hernandez – requires creation of a DNA record upon conviction of certain offenses to include enticing a child and no longer requires DNA samples from those placed on deferred adjudication for public lewdness or indecent exposure. The bill also expands the category of cases to which a \$50 court cost for DNA testing would apply upon conviction. The bill provides that 90 percent of the \$50 fee currently collected for convictions of the crimes of public lewdness and indecent exposure, and the additional fees that will be collected for the

expanded category of cases, will be credited to the Department of Public Safety to help defray the cost of collecting and analyzing DNA samples.

HB 966 by Crownover – requires the Employees Retirement System (ERS) to establish a voluntary consumer-directed health plan that includes a high deductible health plan and a health savings account as an option for group benefit program participants. The bill directs the state to contribute the difference, if any, between the full state contribution for Health Select and the coverage cost of the high deductible plan to a health savings account. ERS must conduct a study on the implementation of the consumer-directed health plan and report the results of the study to the legislature by January 1, 2020.

HB 1083 by Marquez – requires an appropriate medical or mental health professional to perform a mental health assessment on an inmate prior to placement in administrative segregation. TDCJ may not proceed with the placement if the assessment determines administrative segregation would not be proper based on the inmate's medical or mental health.

HB 1278 by Hughes – increases the amount of financial assistance paid to the survivors of certain law enforcement officers, firefighters and other public employees, to include many TDCJ staff, killed in the line of duty.

HB 1376 by Paddie – allows probation and community supervision officers who attend firearm training provided by the Texas Commission on Law Enforcement in order to carry a handgun while on duty to demonstrate handgun proficiency for the purpose of obtaining a concealed/open handgun permit by providing a sworn statement issued by the commission's certified handgun instructor.

The bill also lowers the license fee for these officers to \$25.

HB 1546 by Allen – currently, following receipt of a report from TDCJ detailing participation, a judge may give state jail offenders credit (up to 20 percent of their sentence) for diligent participation in an industrial, work, agricultural, educational or vocational program. The bill permits judges to remove themselves from the process and have TDCJ apply the credit. However, if the offender commits a disciplinary infraction, the report must be sent to the judge for a decision.

HB 1595 by Murr – requires defendants or confined persons to be tested for communicable diseases if a peace officer, magistrate or correctional employee comes into contact with the person's bodily fluids during a judicial proceeding or while the defendant is confined after conviction or adjudication resulting from arrest.

HB 1771 by Raney – allows state employees to donate any amount of their accrued sick leave to another employee at the same agency if the employee has exhausted their own sick leave

and any sick leave pool amounts available to them. Neither employee may receive or provide remuneration in exchange for the donation of the sick leave.

HB 1908 by Naishtat – requires certain mentally impaired offenders to be identified and qualified for the continuity of care system.

HB 1914 by Bonnen, D. – allows a parole panel to “set off” another parole consideration for up to 10 years if the offender is serving time for aggravated sexual assault or a life sentence on a capital felony.

HB 1930 by White, J. – changes the current community justice planning process for community supervision and corrections departments (CSCD) to a strategic planning process, and makes having a community justice council (CJC) permissive. The bill authorizes a CSCD to spend funds on a community corrections facility if the judges, rather than the CJC, recommend the expenditure. In addition, the bill no longer requires certain information to be included in a statutorily required report included in the agency’s legislative appropriations request.

HB 2159 by Moody – revises the method for payment of restitution as a condition of community supervision for offenses involving family violence committed in the presence of a child under the age of 15. The bill requires the court to determine the existence of a child witness from the charging instrument or other evidence before the court, to order restitution for the payment of medical, psychiatric and psychological care for the child witness, and to specify the manner of payment. The restitution order would be considered a civil action, thereby permitting the court to modify the order in a subsequent hearing.

HB 2189 by Parker – requires TDCJ to establish and maintain a developmentally disabled program for incarcerated offenders and specifies the program requirements.

HB 2547 by Miller - requires TDCJ to donate and transfer two tracts of land to Fort Bend County for use as a public road and utility right-of-way not later than December 31, 2015.

HB 3387 by Krause – requires a parole panel to mandate as a condition of parole or mandatory supervision that a releasee participate in a sex offender treatment program if the releasee was serving a sentence for certain sex offenses or is required to register as a sex offender and immediately prior to release participated in a sex offender treatment program.

SB 20 by Nelson – makes numerous changes to state agency contracting policies and procedures, such as:

- requires agencies to retain records related to contracts for at least seven years after the expiration of the contract;
- prohibits employment of former state employees and officers within the first two years after state employment if those employees participated in a procurement related

to the hiring entity;

- requires that purchasing information reported by state agencies in the statewide uniform accounting system to include solicitation and contracting information;
- imposes additional reporting requirements for contracts exceeding \$1 million in value;
- requires agencies to develop a risk analysis procedure and identify certain types of contracts for enhanced contract or performance monitoring;
- requires the comptroller to develop an evaluation process to rate vendors and establish in rule how these ratings affect a vendor's eligibility for state contracts;
- requires agencies to consider prior vendor performance when renewing a contract or considering a rebid for a contract; and
- permits the comptroller to bar vendors from participating in state contracts if more than two contracts between the vendor and the state have been terminated by the state within the last three years.

SB 239 by Schwertner – requires the Higher Education Coordinating Board to establish a program to provide loan repayment assistance for some medical professionals, including physicians, psychologists, and certain counselors, nurses and social workers, who provide mental health care to certain populations, to include offenders incarcerated in TDCJ.

SB 158 by West – codifies an existing grant program at the governor's office to defray the cost of purchasing of body cameras for law enforcement agencies. Most agencies who receive the grants will be required to provide a 25 percent match.

SB 578 by Hinojosa – requires TDCJ to identify organizations that provide reentry and integration resource guides and to collaborate with those organizations to make a resource guide available to all inmates. The resource guide must be made available in WSD libraries, peer educator classrooms, chapels, reintegration specialist offices, and any other area used by TDCJ to provide reentry information.

TDCJ must also compile similar packets that are county-specific. Prior to release, TDCJ must provide the information to the inmate for the county designated as the offender's intended residence. Packets must include contact information for various organizations and information necessary for the inmate to apply for governmental assistance or benefits.

SB 746 by Whitmire – changes the name of the Office of Violent Sex Offender Management to the Texas Civil Commitment Office (TCCO) and requires TCCO to develop a tiered supervision and treatment program for civilly committed persons that provides a seamless transition from

total confinement to less restrictive housing and eventual release from civil commitment. TCCO will operate, or contract with a vendor to operate, a facility for committed persons.

TDCJ may give notice (to the multidisciplinary team) with respect to a person scheduled to be released on parole or to mandatory supervision only if the person's anticipated release date is not later than 24 months after the date on which notice will be given. TDCJ may not give notice with respect to a person who is currently released on parole or to mandatory supervision.

The presiding judge of the Second Administrative Judicial Region must assign the petition to a district court in that region, rather than filing the petition in a Montgomery County district court as is currently required.

An order for civil commitment must require a person to submit to the treatment administered by the TCCO. TDCJ and TCCO must enter into a MOU for tracking services. TDCJ must prioritize enrolling a committed person in a sex offender treatment program established by TDCJ. The MOU must establish the respective responsibilities for continuity of care for a civilly committed person enrolled in a sex offender treatment program.

SB 790 by Kolkhorst – allows a magistrate to release on bond certain offenders held on a pre-revocation warrant if both the Parole Division and the magistrate determine that the person is not a threat to public safety. Bail and bail forfeiture provisions apply, except that the release under this bill is conditioned upon the person's appearance at a hearing.

The bill also deletes the requirement that a sheriff must provide a place at a county jail to conduct summons hearings. After a summons hearing is conducted, if the Board of Pardons and Paroles determines the person violated their conditions of parole, the Parole Division may then issue a revocation warrant.

SB 1024 by Seliger – allows Windham School District to award diplomas to students who meet the requirements. It also allows students to get credit towards graduation for courses completed in the Windham School District educational programs.

SB 1630 by Whitmire – limits commitment to the Texas Juvenile Justice Department (TJJD) to those youth who receive determinate sentences, unless the court finds that the youth has behavioral health or other special needs that cannot be addressed within the youth's home community. Although the effective date of the bill is September 1, 2015, the provisions restricting commitment of youth to TJJD facilities applies to conduct that occurs on or after September 1, 2017.

The bill also requires TJJD to adopt a regionalization plan for keeping adjudicated youth within their home regions, and identify available post-adjudication facility capacity. TJJD is required to establish a new division to administer the regionalization plan and monitor program quality and accountability. TJJD is required to reimburse counties for placement of youth in regional programs at a rate that offers a savings to the state.

SB 1697 by Huffman – adds an exception to the Public Information Act that makes confidential the identifying information, including the name, address or other identifying information, of any person who participates in the execution procedure, including a person who uses, supplies or administers a substance during an execution.

The bill also makes confidential the identifying information, including the name, address or other identifying information, of any person or entity that manufactures, compounds, prescribes, dispenses, or provides a substance or supplies used in an execution.

SB 2004 by Eltife – requires the lieutenant governor and the speaker to each appoint three members to a Joint Oversight Committee on Government Facilities to review deferred maintenance plans and receive implementation updates.

The bill also creates a deferred maintenance fund for the purpose of receiving appropriations and transfers to address deferred maintenance needs.