

State Jail Diligent Participation Credit

House Bill 2649

Overview

Offenders serving a sentence for a state jail felony currently do not earn good conduct time for time served in the facility. However, with the passing of House Bill 2649 in the 82nd Texas legislative session, some state jail offenders may be awarded diligent participation credit by their sentencing judge. Any offender convicted of a state jail felony offense committed on or after September 1, 2011, may be eligible for time credit based on diligent participation in programs such as work, education, and/or treatment.

Diligent participation is defined as:

- successful completion of an educational, vocational, or treatment program;
- progress toward successful completion of an educational, vocational, or treatment program that was interrupted by illness, injury, or another circumstance outside the control of the defendant; and
- active involvement in a work program.

The law requires the TDCJ to report the number of days an offender diligently participates to the sentencing judge no later than 30 days prior to the offender completing 80% of their sentence. Once a state jail felon who is serving a sentence for an offense committed on or after September 1, 2011, is received by the TDCJ, the agency shall report one day of diligent participation for each day in custody, with the following exceptions. Offenders found guilty of a disciplinary offense for:

- refusing to work;
- refusing to attend school or complete school assignments; or
- refusing to attend or participate in a required treatment program.

These offenders shall not be eligible for diligent participation credit for the day(s) of the refusal. Also, offenders assigned to state jail level 4 (J4) custody, state jail level 5 (J5) custody, solitary confinement, or administrative segregation custody are ineligible for diligent participation credit.

This bill is intended to provide an incentive for offenders to be active in rehabilitation while providing a management tool for security staff. The TDCJ will provide a progress report to the sentencing judge(s), which will include information such as name, date of birth, offense, sentence begin date, current discharge date, and diligent participation days. The sentencing judge(s) may credit up to 20% of the offender's sentence for days served as long as the offender was diligently participating in a program and not subject to disciplinary action. The judge is not required to give credit for each or any day of diligent participation. The diligent participation credit, if any, shall be submitted by the sentencing judge to the TDCJ. The TDCJ shall recalculate the maximum discharge date and send notification to the offender.

TDCJ Objective

The TDCJ shall provide a secure interactive web-based system. This system shall notify sentencing judges of state jail offender's participation in programs, allowing the judge to determine whether to award credit for diligent participation. TDCJ computer systems will have to be created/modified for the notification, reporting, and subsequent time recalculation to take place.

[Web-Based Process Instructions](#)

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Web-Based Process Instructions

All sentencing courts will receive U.S. mail containing the courts initial user ID and password. Then the following steps should be followed:

1. Sentencing courts will receive an email notification advising that there are offenders needing to be reviewed.
2. Go to the TDCJ web site (www.tdcj.state.tx.us). Click "State Jail Diligent Participation" from the "Online Services" tab. Once this link is clicked, you will be directed to a login page requesting a user ID and password.
3. Type in user ID and password provided by the TDCJ. Upon first login, user will be required to change password. Please adhere to good security practices by choosing a strong password. The TDCJ requires user passwords be at least eight alpha and numeric characters and contain upper and lower case. As a good security practice users will be required to change their password every 60 days.
4. Once the user has successfully logged into the application, the user will be directed to a list of offenders sentenced by the currently logged in court. Click "State Jail Diligent Participation" to be directed to a list of offenders sentenced by the currently logged in court.
5. Click any offender name to see the individual progress report. On this progress report please find the offender's personal information such as name, date of birth, offense, sentence begin date, and current discharge date. Of particular interest will be "Number of Days Ineligible to Receive Diligent Participation Credit", and "Number of Days the Offender Diligently Participated".
6. The court will enter the number of days to be credited to that particular offender, which may be any number between 0 (zero) and the total number of days allowed.
7. Once the court enters days to be credited, click "Submit". After clicking Submit, a new Submission Confirmation window will pop up. Confirm your credits by clicking OK.
8. The system will recalculate the offender's discharge date and notify the offender and appropriate State Jail staff.