Texas Progressive Interventions and Sanctions Bench Manual

2020

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Community Justice Assistance Division

Texas Board of Criminal Justice

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Table of Contents

Foreword and Acknowledgements vi
Chapter 1: Evidence-Based Practices in Community Corrections 1
1.1 Evidence-Based Principles 2
1.2 Common Characteristics of Effective Programs 5
Chapter 2: Legal Authority for Community Supervision 6
2.1 General Provisions 6
2.2 Placement on Community Supervision 7
2.3 Community Supervision Conditions 21
2.4 Facilities 37
2.5 Payment; Fees 38
2.6 Completing Community Supervision 38
2.7 Miscellaneous 48
Chapter 3: Restitution, Restorative Justice, and Victim Rights 50
3.1 Victim Restitution, Restoration, and Rights 50
3.2 Community Service Restitution (CSR) 51
3.3 Restorative Justice Alternatives 51
Chapter 4: Non-Residential Sentencing Options 52
4.1 Cognitive Behavioral Programs 52
4.2 Differential Supervision and Specialized Caseloads 53
4.3 Sex Offender Supervision 55
4.4 Mental Health/Criminal Justice Initiative 56
4.5 Risk Management Strategies 56
4.6 Battering Intervention and Prevention Project (BIPP) 59
4.7 Academic Education and Non-Academic Education Programs 59
4.8 Employment Programs 59
4.9 Day Resource Treatment 60
Chapter 5: Residential Sentencing Alternatives 61
5.1 Community Corrections Facility (CCFs) 61
5.2 State-Contracted Intermediate Sanction Facility (SC-ISF) 62
5.3 Substance Abuse Felony Punishment Facility (SAFPF) 63

Table of Contents (continued)

Chapter 6: Substance Abuse Sentencing Alternatives **64**
6.1 Continuum of Care for Substance Abuse Treatment 65
6.2 Screening, Assessment, and Evaluation for Offenders with Substance Abuse Problems 69
6.3 Outpatient Treatment Services 69
6.4 Short-Term/Contract Residential Treatment Services 70
6.5 Community Corrections Facility (CCF) 70
6.6 State-Contracted Intermediate Sanction Facility (SC-ISF) 70
6.7 Substance Abuse Felony Punishment Facility (SAFPF) 71
6.8 Aftercare Treatment for Substance Abuse Populations 72
Chapter 7: Specialty Courts **73**
7.1 Drug Courts, Re-Entry Drug Courts, and DWI Courts 74
7.2 Mental Health Courts 75
7.3 Veterans Treatment Courts 75
7.4 Commercially Sexually Exploited Persons Court Program 76
7.5 Public Safety Employees Treatment Court Program 76
7.6 Other Types of Problem-Solving Courts 76
Chapter 8: Transfer of Supervision **77**
8.1 Interstate Transfers 77
8.2 Mandatory Retaking of Offenders 81
8.3 Intrastate Transfers 85
Appendices **87**
Appendix A: Chapter References and Suggested Reading 88
Appendix B: CCFs by Administrative Judicial Region 91
Appendix C: Treatment Alternatives to Incarceration Program Availability 103
Appendix D: Specialty Courts 104
Appendix E: Additional Resources 114

Foreword

The Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) authorized the publication of the *Texas Progressive Interventions and Sanctions Bench Manual* in response to requests from the Texas judiciary. This manual is designed for District Court, County Court at Law, and Constitutional County Court judges trying criminal cases. However, it is also a valuable source of information for prosecutors, community corrections officials, defense attorneys, crime victims, defendants, and any other citizen with an interest in the broad array of alternatives to incarceration in Texas.

The 2020 revision of the *Texas Progressive Interventions and Sanctions Bench Manual* updates relevant community corrections statutes through the 86th Texas Legislature, as well any changes in the community corrections landscape affected by the General Appropriations Act. For purposes of simplicity, the generic and well-understood term "probation" is used interchangeably with the term "community supervision" throughout this document. The legislative decision to employ terms such as community supervision, community corrections, Texas Department of Criminal Justice-Community Justice Assistance Division, and community supervision officers (CSOs) is well understood. The local program descriptions and sentencing alternatives listed herein represent designs adopted by many of the community supervision and corrections departments (CSCDs) in Texas. Local availability, as well as access to a specific program, is best determined through the local CSCD. Courts, prosecutors, and counsel are encouraged to contact the CSCD of original jurisdiction as to availability of a specific program in that jurisdiction or, in the case of transfer to another CSCD in Texas, the availability of specific programs in the receiving CSCD.

Acknowledgements

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Additional Copies

The most current version of this document is available on the TDCJ website at http://www.tdcj.texas.gov/documents/cjad/CJAD_Bench_Manual.pdf.

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Chapter 1

Evidence-Based Practices in Community Corrections

> "EBP makes a long-term contribution to public safety. When offender risk is reduced, it means there are less victims of crime and the whole community feels safer. Research should be applied to practice with the goals of preventing further victimization and creating safer communities."
>
> *Evidence-Based Practices: A Framework for Sentencing Policy, November 2006, Crime & Justice Institute*

Evidence-based practice (EBP) puts the best available research at the heart of policy development and program implementation.[1] EBP is outcome-focused, seeking empirical evidence of the effectiveness of a particular practice or program. To be outcome-focused, the criminal justice field should focus on sustained reduction in criminal behavior (interchangeable with the term recidivism reduction). EBP research "indicates that certain programs and intervention strategies, when applied to a variety of offender populations, reliably produce sustained reductions in recidivism."[2]

1.1 Evidence-Based Principles

Integration of evidence-based practices requires "…a shift from a narrow focus on monitoring compliance with court imposed conditions to a broader focus on addressing the factors that produce criminal behavior. The change requires the implementation of more effective assessments of the risk and needs of the offender based on the scientific tools, the use of supervision strategies that fit the needs and risk of the population, progressive sanctions for violations and programs that can produce results."[3] The meta-analyses of hundreds of research studies have identified eight highly-interdependent principles that, when used to develop criminal justice programs, can lead to a reduction in recidivism.

1) Assess Actuarial Risk/Needs

This principle involves the use of two types of assessments:

- an assessment of the offender's risk to reoffend, and
- an assessment of the offender's dynamic criminogenic needs (i.e., needs that research has found to be directly linked with criminal behavior that are subject to change through appropriate intervention).

These assessment tools must be accurate, reliable, and normed on the population. Additionally, assessments should not only indicate whom to target, but also help determine how to manage an individual offender on supervision.

The Texas Department of Criminal Justice, in collaboration with local CSCDs and other criminal justice stakeholders, developed and validated the Texas Risk Assessment System (TRAS), a dynamic risk assessment consistent with current evidence-based research on the predictors of criminality and recidivism. The TRAS contains both screening and assessment components that can be applied to offenders on any form of community supervision, along with versions specific to the prison, parole, and reentry populations in Texas. The validated TRAS instrument replaced the community supervision version of the Wisconsin Risk/Needs Assessment and the Strategies for Case Supervision case management instrument previously used in Texas.

2) Enhance Intrinsic Motivation

The second principle refers to the need to find constructive ways of enhancing a person's internal motivation for positive behavioral change. Research has found that the motivation to change is dynamic and strongly influenced by interpersonal interactions (including those interactions with probation officers, treatment providers, and institution staff). Interpersonal relationships and communication techniques (i.e., Motivational Interviewing) have proven effective in encouraging long-lasting behavioral change by focusing on the offender being the change agent versus external control limit setting.

Motivational Interviewing (MI) is a client-centered counseling style for addressing the common problem of ambivalence about change and is widely accepted as an evidence-based practice in the field of corrections, with specific focus on the problems of addiction in society. The concept of MI and its methods and practice are the end result of years of experience and research in the field of addictive behaviors by Dr. William R. Miller and Dr. Stephen Rollnick. Unlike traditional counseling methods, MI is a collaborative, goal-oriented style of helping offenders explore their own ambivalence about change and developing internal discrepancy where negative behavior seems entrenched. Research findings on the use of MI in mental health, substance abuse treatment, and the medical community consistently affirm MI's principle that self-directed change is the most lasting. Because criminal recidivism and substance abuse relapse are high priorities for corrections, the proficient use of MI is increasingly important. In concert with several CSCDs, the National Institute of Corrections (NIC), and the Correctional Management Institute of Texas (CMIT), TDCJ-CJAD has piloted MI training for CSOs and Training for Trainers of MI at the CSCD level. MI is already being used in several CSCDs throughout the state.

3) Target Interventions

The Target Interventions principle helps determine the best methods of encouraging behavioral change in individual offenders. These methods include:

- Focusing supervision and treatment resources on high-risk probationers and focusing the greatest amount of resources on the probationers who are the greatest risk to the community. (Risk Principle)
- Addressing four or more of the offender's criminogenic needs. (Need Principle)
- Matching an offender to a specific program based on the offender's characteristics (such as learning style, maturity, motivation, personality, ability, age, gender, and ethnicity) can influence an offender's receptiveness to engage in different types of treatment. (Responsivity Principle)
- Structuring 40-70% of a high-risk offender's free time with treatment services, pro-social activities, and supervision for a minimum of three to nine months. (Dosage)
- Delivering cognitive behavioral treatment programs that are proven effective with the offender population, targeting criminogenic needs, and reinforcing positive behaviors through practice and role-playing. (Treatment)

Major Risk and/or Needs Factors and Promising Intermediate Targets for Reduced Recidivism[4]		
Factor	*Risk*	*Dynamic Need*
History of antisocial behavior	Early and continuing involvement in a number and variety of antisocial acts in a variety of settings	Build noncriminal alternative behavior in risky situations
Antisocial personality pattern	Adventurous pleasure seeking, weak self-control, restlessly aggressive	Build problem-solving skills, self-management skills, anger management and coping skills
Antisocial cognition	Attitudes, values, beliefs, and rationalizations supportive of crime; cognitive emotional states of anger, resentment, and defiance; criminal versus reformed identity; criminal versus anticriminal identity	Reduce antisocial cognition, recognize risky thinking and feeling, build and strengthen alternative less risky thinking and feeling, adopt a reform and/or anticriminal identity
Antisocial associates	Close association with criminal others and relative isolation from anticriminal others; immediate social support for crime	Reduce association with criminal others, enhance association with anticriminal others
Family and/or marital	Two key elements are nurturance and/or caring and monitoring and/or supervision	Reduce conflict, build positive relationships, enhance monitoring and supervision
School and/or work	Low levels of performance and satisfactions in school and/or work	Enhance performance, rewards, and satisfactions*
Leisure and/or recreation	Low levels of involvement and satisfactions in anticriminal leisure pursuits	Enhance involvement, rewards, and satisfactions
Substance abuse	Abuse of alcohol and/or other drugs	Reduce substance abuse, reduce the personal and interpersonal supports for substance-oriented behavior, enhance alternatives to drug abuse

* To further clarify: Integration of the offender into the workforce, if unemployed. If under employed work toward employment that meets the offender's needs.

4) Skill Train with Directed Practice (Use Cognitive Behavioral Treatment Methods)

The fourth principle of EBP explains the need for staff at all levels to teach the offender new non-criminal behaviors and appropriate communication techniques. Criminal justice personnel need to understand anti-social thinking, social learning, and should reinforce positive behaviors, including practicing role-playing, with the offenders.

5) Increase Positive Reinforcement

"Increasing positive reinforcement should not be done at the expense of or undermine administering swift, certain and real responses for negative and unacceptable behavior… However, with exposure to clear rules that are consistently (and swiftly) enforced with appropriate graduated consequences, offenders and people in general, will tend to comply in the direction of the most rewards and least punishments."[2] According to research, individuals respond better and maintain their behavioral change longer if they have been rewarded in a ratio of four positives to every one negative. Positive reinforcements do not have to be consistently applied to be effective.

6) Engage Ongoing Support in Natural Communities

Successful interventions will actively engage family members and pro-social peers in supporting the offender's positive, non-criminal behaviors. Additionally, twelve step programs, religious activities, and restorative justice initiatives that encourage the development of pro-social supports have proven to be effective.

7) Measure Relevant Processes/Practices

This principle highlights the need for agencies to routinely assess not only offender change but also staff performance. Measuring relevant practices requires accurate and thorough documentation to measure the effectiveness of all program activities.

8) Provide Measurement Feedback

Effective evidence-based programs provide feedback to both the offender and program staff. This feedback helps build accountability with the offender, provides clear direction on what the offender needs to do to be successful, and encourages further positive changes. Likewise, feedback to criminal justice staff on their performance and what is necessary to be successful with offenders builds accountability, helps maintain program integrity, and keeps staff focused on recidivism reduction and promoting positive changes in offenders.

1.2 Common Characteristics Of Effective Programs[1]

- Program development should include extensive literature review that explains the foundation of the program.
- Programs should be based on sound research and theory.
- Programs should have specific goals and objectives.
- Programs should have been pilot tested.
- Programs should have demonstrated effectiveness with offenders.
- Programs should have qualified leadership and staff.
- Program staff should understand the interventions, why they are used, and how to apply them.

Chapter 2

Legal Authority for Community Supervision

2.1 General Provisions

In 2017, the 85th Texas Legislature passed SB 1488, which amended current law relating to nonsubstantive additions to, revisions of, and corrections in enacted codes, specifically corrections reflecting the move of Article 42.12, Texas Code of Criminal Procedure, to Article 42A, which began with the 84th Legislative Session.

Definitions

Community supervision – "the placement of a defendant by a court under a continuum of programs and sanctions, with conditions imposed by the court for a specified period during which:

- criminal proceedings are deferred without an adjudication of guilt; or
- a sentence of imprisonment or confinement, imprisonment and fine, or confinement and fine, is probated and the imposition of sentence is suspended in whole or in part."

Tex. Code Crim. Proc. § 42A.001.

Statutory County Court – The judge of a statutory county court who is trying criminal cases in the county served by the judicial district and who has jurisdiction over only misdemeanor cases is likely among the group of judges described in Section 76.002(a), Government Code (for establishment of a CSCD and approval of the department's budget). *Tex. Att'y Gen. Op. No. GA-0728 (2009).*

2.2 Placement On Community Supervision

Only a judge of the court having jurisdiction of the case may grant community supervision, impose conditions, or discharge the defendant, and may modify those conditions at any time during the period of community supervision. *Tex. Code Crim. Proc. § 42A.051.* The judge may authorize a supervision officer to modify conditions for the limited purpose of transferring the defendant to other community supervision programs. *Tex. Code Crim. Proc. § 42A.052.*

In 2017, the 85th Texas Legislature passed HB 1507, requiring a judge to inform a defendant being placed on community supervision in writing and on an Office of Court Administration form that, after satisfactorily completing the term of community supervision and on expiration of the supervision period, the judge may release the defendant from the penalties and disabilities resulting from the offense. *Tex. Code Crim. Proc. § 42A.058.*

After a defendant has been placed on community supervision, jurisdiction of the case may be transferred to a court of the same rank in this state that:

- has geographical jurisdiction where the defendant:
  - resides; or
  - violates a condition of community supervision; and
- consents to the transfer.

Tex. Code Crim. Proc. § 42A.151.

A judge who receives a community supervision defendant from out of state may impose on the defendant any term of community supervision. *Tex. Code Crim. Proc. § 42A.306.*

Pretrial Intervention & Diversion Programs

The Texas Government Code authorizes a CSCD to "operate programs" for the supervision and rehabilitation of persons in pretrial intervention programs. *Tex. Gov't Code § 76.011.* Although a CSCD may operate a pretrial intervention program, it is distinguishable from community supervision as it involves different classes of people (see *Fisher v. State, 832 S.W. 2d 641 (Tex. App.—Corpus Christi 1992.)*, which discusses the differences between a pretrial intervention program and community supervision). A person participating in a pretrial intervention program may not be supervised more than two years. *Tex. Gov't Code § 76.011.*[1]

Pretrial intervention, also sometimes called pretrial diversion, generally involves a written agreement entered into before trial between the defendant and the prosecutor. If the defendant performs the conditions in the written agreement within a specified period of time, the State agrees to dismiss the case. Both the State and the defendant request that the trial court continue the present trial setting to a certain date in the future to give the defendant time to comply with the agreed conditions. The agreement is then presented to the trial court for its approval. If the trial court does not approve the agreement, the case proceeds to trial as scheduled on the docket. If the trial court approves the agreement, it grants the joint request for continuance and resets the trial to a certain date in the future. On that date, the defendant must appear before the trial court. If the defendant has complied with the conditions of the agreement, the trial court grants the State's motion to dismiss the pending criminal charges. If the defendant has not complied with the conditions of the agreement, the case proceeds to trial as scheduled. *Fisher v. State, 832 S.W. 2d 641, 643-44; Tex. Att'y Gen. Op. No. GA-0114 (2003).*

Article 1.14 of the Code of Criminal Procedure allows a person to waive the right to seek expunction of arrest records and files as a condition in a pretrial diversion agreement, provided the waiver is voluntarily, knowingly, and intelligently made. *Tex. Att'y Gen. Op. No. KP-0158 (2017)*.

Pretrial Services

Pretrial services may be offered by a CSCD or a separate entity created specifically for the provision of only pretrial services. The prosecutor's office, the county, and the local community justice council play an integral role in shaping the success of pretrial programs in partnership with the CSCD. Pretrial services have expanded to incorporate a number of functions, including screening for bail eligibility, testing for controlled substances, substance abuse assessment, treatment, counseling, education programs, cognitive training, life skills instruction, supervision, and assignment to community service and electronic monitoring. Pretrial services may assume responsibility for preparation of the Presentence Investigation Report (PSIR).

Pretrial Intervention Program Fees

Monthly Reimbursement Fees

A court may order a defendant to pay a monthly reimbursement fee (commonly referred to as supervision fees) not greater than $60 per month, and in addition to or in lieu of the supervision fee, the court may order the defendant to pay or reimburse a CSCD for any other expenses resulting from participation in the program or necessary to the defendant's successful completion of the program. *Tex. Code Crim. Proc. § 102.012.* Money received from fees for pretrial intervention programs are deposited in the special fund of the county treasury for the CSCD serving the county. *Tex. Code Crim. Proc. § 103.004(d).*

Prosecuting Attorney Fees
A prosecuting attorney's office that administers a pretrial intervention program may collect a fee up to $500 from a defendant participating in the program. The fee is to be used to reimburse the county for expenses, including expenses of the prosecutor's office, and to administer the pretrial intervention program. *Tex. Code Crim. Proc. § 102.0121.*

Specialty Courts
A discussion of specialty courts, which often operate as part of a pretrial diversion program, may be found in Chapter 7 of this manual.

Deferred Adjudication Community Supervision
Except as provided below, "if in the judge's opinion the best interest of society and the defendant will be served, the judge may, after receiving a plea of guilty or nolo contendere, hearing the evidence, and finding that it substantiates the defendant's guilt, defer further proceedings without entering an adjudication of guilt and place the defendant on deferred adjudication community supervision." *Tex. Code Crim. Proc. § 42A.101(a).*

A judge may not grant deferred adjudication if the defendant is charged with the following offenses under the Penal Code:
Intoxication and Alcoholic Beverage offenses:

- § 49.04 Second offense (Driving while intoxicated);
- § 49.045 (Driving while intoxicated with child passenger);
- § 49.05 (Flying while intoxicated);
- § 49.06 Second offense (Boating while intoxicated);
- § 49.065 (Assembling or operating an amusement ride while intoxicated);
- § 49.07 (Intoxication assault); or
- § 49.08 (Intoxication manslaughter);

A first offense under Section 49.04 or 49.06 is eligible for deferred adjudication unless the defendant holds a commercial drivers license/learners permit or the BAC is 0.15 or higher.

Certain drug offenses involving a drug-free zone and defendant has a previous conviction involving a drug-free zone;

Sex offenses (regardless of the age of the victim) and defendant has previously been placed on community supervision for one of the offenses:

- § 21.11 (Indecency with a child);
- § 22.011 (Sexual assault);
- § 22.021 (Aggravated sexual assault);

Sex offenses (regardless of the existence of a previous conviction):

- § 21.02 (Continuous sexual abuse of a young child);
- § 22.021 (Aggravated sexual assault of a child under the age of 6 or under the age of 14 with serious bodily injury, an attempt to cause death, or threat of trafficking) punishable under Subsection (f) or:
  - § 12.42(c)(3) (Previously convicted of aggravated sexual assault on a child under 6 or aggravated sexual assault on a child under 14 with serious bodily injury, or attempts to cause death); or
  - § 12.42(c)(4) (Previously convicted of continuous trafficking of persons, or continuous sexual abuse of young child, or aggravated sexual assault);
- § 43.04 (Aggravated online promotion of prostitution);
- § 20A.03 (Continuous trafficking of persons).

Criminal Homicide:

- § 19.02 (Murder), with an exception if the judge determines that the person did not cause the death of the deceased, did not intend to kill the deceased or another, and did not anticipate that a human life would be taken.

Tex. Code Crim. Proc. § 42A.102(b).

In 2017, the 85th Texas Legislature passed HB 29, adding persons placed on deferred adjudication for prostitution or continuous human trafficking to those required to register as a sex offender. *Tex. Code Crim. Proc. § 62.001(5).* A person placed on deferred adjudication for prostitution must register for 10 years post discharge and a person placed on deferred adjudication for continuous trafficking has a lifetime duty to register. *Tex. Code Crim. Proc. § 62.101.*

Affirmative Findings Deferred Adjudication Community Supervision

A judge may place on deferred adjudication community supervision a defendant charged with an offense under Section 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the victim, or a defendant charged with a felony described by Article 42A.453(b) only if the judge makes a finding in open court that placing the defendant on deferred adjudication community supervision is in the best interest of the victim. *Tex. Code Crim. Proc. § 42A.102(a).*

In 2017, the 85th Texas Legislature passed HB 3016 and SB 1488, which added to the list of affirmative findings specified in Article 42A.105 a defendant placed on deferred adjudication community supervision for all misdemeanors other than a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code. In this case, the judge shall make an affirmative finding of fact and file a statement of that affirmative finding if the judge determines that it is not in the best interest of justice that the defendant receive an automatic order of nondisclosure. *Tex. Code Crim. Proc. § 42A.105(f).*

Age-Based Sex Offenses - Indecency with a Child and Sexual Assault

A judge who convicts or places a defendant on deferred adjudication for kidnapping, unlawful restraint, and smuggling of person (Penal Code Section 20.02), kidnapping (Penal Code Section 20.03), aggravated kidnapping (Penal Code Section 20.04), or an attempt, conspiracy, or solicitation to commit one of those offenses must make an affirmative finding of fact and file a statement of that finding if the judge finds that the victim or intended victim was not more than 17 years old at the time of the offense. *Tex. Code Crim. Proc. §§ 42.015, 42A.105(b).*

A judge who convicts or places a defendant on deferred adjudication for indecency with a child or sexual assault (Penal Code Sections 21.11 and 22.011) must make an affirmative finding of fact and file a statement of that finding if the judge finds that the defendant was not more than four years older than the victim, the victim was at least 15, and the charge to which the plea was entered was based solely on the ages of the defendant and victim. If convicted, the judge is required to enter the finding in the judgment of the case. *Tex. Code Crim. Proc. §§ 42.017, 42A.105(c), 62.301.*

A defendant who meets the age criteria above may petition the court for an order exempting the person from registering as a sex offender. At a hearing regarding the petition, the court may consider testimony from the victim or a member of the victim's family concerning the exemption, the relationship between the defendant and victim, and any other evidence the court determines relevant and admissible. The court may grant the exemption if it appears that it does not threaten public safety, the defendant's conduct was consensual, and it is in the best interest of the victim and justice. *Tex. Code Crim. Proc. §§ 42.017, 42A.105(c), 62.301.*

If there is an affirmative finding that a defendant who committed an offense under Penal Code Section *43.04 or 43.05 "committed the offense solely as a victim of an offense under Section 20A.02, 20A.03, 43.03, 43.04, or 43.05," the defendant may be placed on community supervision.*

Other Sexually Violent Offenses

A judge must determine if the victim or intended victim of a sexually violent offense was younger than 14 years of age at the time of the offense, and if the defendant is convicted, must enter an affirmative finding of fact in the judgment of the case, or if placed on deferred adjudication, must file a statement with the papers in the case. A sexually violent offense includes continuous sexual abuse of

a young child or children, indecency with a child, sexual assault, aggravated sexual assault, sexual performance by a child, aggravated kidnapping if the defendant committed the offense with intent to violate or abuse the victim sexually, and burglary with the intent to commit a sex offense. *Tex. Code Crim. Proc. §§ 42.015, 42A.105(a).*

See Orders of Nondisclosure subsection below for more information on a court's affirmative finding requirement regarding an order of nondisclosure.

Period of Deferred Adjudication Community Supervision

Generally, there is no statutory minimum term for felony deferred adjudication except it may not be less than five years for an offense under Penal Code §§ 21.11 (Indecency with a child), 22.011 (Sexual assault), or 22.021 (Aggravated sexual assault), regardless of the age of the victim, and for felony offenses under Article 42A.453(b). The maximum period for deferred adjudication is 10 years for a felony case and two years for a misdemeanor case. *Tex. Code Crim. Proc. § 42A.103.*

If a defendant is placed on deferred adjudication community supervision after being convicted of an offense under Section 21.11, 22.011, or 22.021, Penal Code, at any time during the period of community supervision, the judge may extend the period, only once, of community supervision as provided by this article. *Tex. Code Crim. Proc. § 42A.757.*

Deferred Adjudication Community Supervision for Certain Offenders & Offenses

Military Personnel

When an active duty personnel has been convicted of, or granted deferred adjudication for, an offense constituting family violence or an offense against the person (criminal homicide, kidnapping & unlawful restraining, trafficking of persons, sexual offenses, and assaultive offenses) under Title 5, Penal Code, the court clerk must provide a copy of the protective order to the staff judge advocate at Joint Force Headquarters or the provost marshal of the defendant's assigned military installation in order to notify the commanding officer. *Fam. Code § 85.042; Tex. Code Crim. Proc. § 42.0183.*

Hearings at a Secondary School for Certain Drug Offenses

A judge is authorized, under certain circumstances, to order a sentencing hearing of a defendant convicted, or to accept the plea of a defendant who is to be placed on deferred adjudication for an offense involving possession, manufacture, or delivery of a controlled substance under the Texas Controlled Substances Act, at a secondary school. The judge must determine that the hearing would have educational value to students due to the nature of the offense and its consequences, the defendant and the school administration must agree, and appropriate measures must be taken to ensure the safety of the students and a fair hearing for the defendant that complies with all applicable laws and rules. *Tex. Code Crim. Proc. § 42.025.*

Revocation of Deferred Adjudication Community Supervision

On violation of a condition of deferred adjudication community supervision, the defendant may be arrested and detained. *Tex. Code Crim. Proc. § 42A.108(a).* Due process does not require a separate punishment hearing, but the defendant should be accorded an opportunity to offer evidence in mitigation of punishment if the defendant asks to do so at the hearing. *Euler v. State, 218 S.W.3d 88 (Tex. Crim. App. 2007).* A judge may not revoke the community supervision of a defendant if, at the community supervision hearing, the court finds that the only evidence supporting the alleged violation of a condition of community supervision is the uncorroborated results of a polygraph examination. *Tex. Code Crim. Proc. § 42A.108(b).*

If there is an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of community supervision, and defendant's appeal, continue as if the adjudication of guilt had never been deferred. *Tex. Code Crim. Proc. § 42A.110(a).* A court assessing punishment after an adjudication of guilt for a defendant charged with a state jail felony offense may place the person on post-conviction community supervision or the sentence may be executed, regardless of whether the defendant has previously been convicted of a felony. *Tex. Code Crim. Proc. § 42A.110(b).*

Completing Deferred Adjudication Community Supervision

Dismissing Deferred Adjudication Community Supervision

If a judge has not proceeded to adjudication of guilt, then on the expiration of the community supervision period, the judge must dismiss the proceedings and discharge the person. *Tex. Code Crim. Proc. § 42A.111(a).* Except in specified instances, a "dismissal and discharge . . . may not be deemed a conviction for the purposes of disqualifications or disabilities imposed by law for conviction of an offense." *Tex. Code Crim. Proc. § 42A.111(c).* Therefore, a person who is successfully discharged from deferred adjudication is not considered to have been finally convicted of the offense and is eligible to vote. *Elec. Code §§ 11.002(b), 13.001(c).* A court no longer has personal jurisdiction once it has dismissed the proceedings and discharged the defendant.

In McCraw v. C.I., the court found when the defendant's case was dismissed without an adjudication of guilt prior to the enactment of legislation that would have made the registration requirements retroactively applicable to him, the case is not a "reportable conviction or adjudication" that would create a duty for him to register. The Department of Public Safety's act of reporting his case as a conviction and the director's actions seeking to compel him to register were ultra vires acts, for which sovereign immunity did not apply. *McCraw v. C.I., 2017 Tex. App. LEXIS 7333 (Tex. App.—Beaumont, Aug. 3, 2017)*.

Early Discharge for Deferred Adjudication Community Supervision

Except for a defendant required to register as a sex offender, a judge may dismiss the proceedings and discharge the person from deferred adjudication community supervision prior to the expiration of the term of community supervision if in the judge's opinion the best interest of society and the defendant will be served. *Tex. Code Crim. Proc. § 42A.111(b).* The Court of Criminal Appeals found

that the minimum supervision period required in Article 42.12 § 20 (recodified in 2017 as 42A.701) applied only to post-conviction community supervision cases, and Article 42.12 § 5 (recodified in 2017 as 42A.10142A.111) governs the early termination of deferred adjudication, which requires no minimum period of supervision to be served before early dismissal. *State v. Juvrud, 187 S.W.3d 492 (Tex. Crim. App. 2006). (Parentheticals added)*

Order of Nondisclosure for Deferred Adjudication Community Supervision

In 2017, the 85th Texas Legislature passed HB 3016 and SB 1488, allowing persons who received deferred adjudication community supervision, other than for a traffic offense, who receive a discharge and dismissal on or after September 1, 2017, to be granted an order of nondisclosure of criminal history record information under this subchapter, prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication community supervision. *Tex. Gov't Code § 411.072.*

Pardons for Deferred Adjudication Community Supervision

The Governor may pardon a person after successful completion of a term of deferred adjudication community supervision upon the recommendation of the Texas Board of Pardons and Paroles. *Tex. Const. § IV, § 11(b), Tex. Code Crim. Proc. § 48.01.*

Ten years after successfully completing a term of deferred adjudication, a person may apply for a pardon by submitting a written request to the Board of Pardons and Paroles for its consideration. Based upon the recommendation and advice of the Board of Pardons and Paroles, the Governor may pardon that person. *Tex. Code Crim. Proc. § 48.01.* After being granted a pardon, the person's criminal history records could be expunged.

If a defendant is placed on deferred adjudication community supervision for DWI or BWI this can be used to enhance a subsequent offense under *§ 49.09.*

Judge-Ordered Community Supervision

Except for certain circumstances, after a defendant is found guilty of a misdemeanor or felony offense and punishment is assessed, the judge may suspend the imposition of the sentence and place the defendant on community supervision. *Tex. Code Crim. Proc. § 42A.053.*

A defendant is not eligible for judge-ordered community supervision if:

- the defendant is sentenced to a term of imprisonment greater than 10 years or to a term of confinement in a state jail facility *(Tex. Code Crim. Proc. § 42A.053(c)*);
- the defendant is found guilty of an offense listed under Tex. Code Crim. Proc. § 42A.054(a) (shown in the chart below.); or
- there is an affirmative finding entered in the judgment that a deadly weapon was used or exhibited during the commission of a felony offense *(Tex. Code Crim. Proc. § 42A.054(b)*).

42A.054(a) Offenses which limit Judge-Ordered Community Supervision:

- Section 15.03, Penal Code (Criminal solicitation) punishable as a first degree felony;
- Section 19.02, Penal Code (Murder);
- Section 19.03, Penal Code (Capital murder);
- Section 20.04, Penal Code (Aggravated kidnapping);
- Section 20A.02, Penal Code (Trafficking of persons);
- Section 21.11(a)(1), Penal Code (Indecency with a child);
- Section 22.011, Penal Code (Sexual assault);
- Section 22.021, Penal Code (Aggravated sexual assault);
- Section 22.04(a)(1), Penal Code (Injury to a child, elderly individual, or disabled individual), if the offense is punishable as a first degree felony and the victim of the offense is a child;
- Section 29.03, Penal Code (Aggravated robbery);
- Section 30.02, Penal Code (Burglary) with the intent to commit a sex offense (continuous sexual abuse of a child, indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct);
- Section 43.05, Penal Code (Compelling prostitution);
- Section 43.25, Penal Code (Sexual performance by a child); and
- Chapter 481, Health and Safety Code, (Controlled Substances Act) for which punishment is increased under:
  - Section 481.140; or
  - Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any of those subsections.

Tex. Code Crim. Proc. § 42A.054(a).

State Jail Felony Offenses

A judge must grant post-conviction community supervision to a person who has no prior felony convictions, excluding a felony punished under Penal Code § 12.44(a), and is convicted of the following state jail felony offenses under the Controlled Substances Act, Health and Safety Code:

- § 481.115(b) (possession of less than one gram of a substance in penalty group 1);
- § 481.1151(b)(1) (possession of five or fewer abuse units of a substance in penalty group 1-A);
- § 481.116(b) (possession of less than one gram of a substance in penalty group 2);

- § 481.1161(b)(3) (possession of one pound or less but more than four ounces of a substance in penalty group 2-A);
- § 481.121(b)(3) (possession of one pound or less but more than four ounces of marihuana); or
- § 481.129(g)(1) (possession of a fraudulent prescription form for a controlled substance or possession without authorization for a prescription for a controlled substance listed in Schedule II or III).

A judge may, but is not required to, place the person on community supervision if the conviction resulted from an adjudication of guilt from the person being previously placed on deferred adjudication for one of the above offenses. *Tex. Code Crim. Proc. § 42A.551.*

For all other state jail felony offenses, a judge may suspend the imposition of the state jail felony sentence and place the defendant on community supervision, order the sentence to be executed in whole, or order the sentence to be executed in part, with a term of community supervision to commence immediately on release of the person from confinement. *Tex. Code Crim. Proc. § 42A.551(b).*

Prostitution

The 86th Legislature passed SB 20. This mandates that a defendant convicted of a Class B misdemeanor or a state jail felony (1st offense) under Penal Code Section 43.02 be placed on community supervision.

Judge-Ordered Community Supervision for Civil Contempt of a Child Support Order

Family Code Section 157.165 authorizes a court who finds a respondent in contempt of court for failure or refusal to obey a child support court order to suspend the commitment and place the respondent on community supervision. The terms and conditions of community supervision may require the respondent to:

- report to the community supervision officer (CSO) as directed;
- permit the CSO to visit the respondent at the respondent's home or elsewhere;
- obtain counseling on financial planning, budget management, conflict resolution, parenting skills, alcohol or drug abuse, or other matters causing the respondent to fail to obey the order;
- pay required child support and any child support arrearages;
- pay court costs and attorney's fees ordered by the court;
- seek employment assistance services offered by the Texas Workforce Commission, if appropriate; and
- participate in mediation or other services to alleviate conditions that prevent the respondent from obeying the court's order.

Fam. Code §157.211.

Jury-Recommended Community Supervision

Except for certain circumstances, when a jury convicts a defendant of an offense and recommends that the judge impose community supervision in the verdict, the judge must suspend the imposition of the sentence and place the defendant on community supervision. *Tex. Code Crim. Proc. § 42A.055.*

The defendant is not eligible for jury-recommended community supervision if:

- the defendant is sentenced to a term of imprisonment that exceeds 10 years;
- the defendant is convicted of a state jail felony that automatically qualifies for community supervision under Article 42A.551;
- the defendant fails to file a sworn motion before the trial begins stating that the defendant has not been previously convicted of a felony, or if the jury does not enter a verdict finding that the information contained in the motion is true;
- the defendant is convicted of certain drug offenses involving a drug-free zone and has a previous conviction involving a drug free zone; or
- the defendant is convicted of indecency with a child by contact, aggravated sexual assault, or sexual assault, and the victim was younger than 14; aggravated kidnapping if the victim was younger than 14 and was kidnapped with the intent to sexually abuse the victim; sexual performance by a child, compelling prostitution, trafficking of persons; or murder.

Tex. Code Crim. Proc. § 42A.056.

In Ivey v. State, the Court of Criminal Appeals held that a trial court could "place an eligible defendant on community supervision even if the defendant has elected to have his punishment assessed by the jury and the jury does not recommend it." *Ivey v. State, 277 S.W.3d 43 (Tex. Crim. App. 2009).*

A judge, in a state jail felony case in which the jury assessed the punishment, must follow the jury's recommendations regarding community supervision and must order the sentence to be executed in whole if the jury does not recommend community supervision. *Tex. Code Crim. Proc. § 42A.551(e).*

If in the trial of a felony of the second degree or higher there is an affirmative finding described by Article 42A.054(d), (firearm used or exhibited), and the jury recommends that the court place the defendant on community supervision, the court may order the defendant imprisoned in the Texas Department of Criminal Justice (TDCJ) for not less than 60 and not more than 120 days. At any time after the defendant has served 60 days in the custody of the TDCJ, the sentencing judge, on the judge's own motion or on motion of the defendant, may order the defendant released to community supervision. The TDCJ shall release the defendant to community supervision after the defendant has served 120 days. *Tex. Code Crim. Proc. § 42A.204.*

Presentence and Postsentence Evaluations & Reports

Before the imposition of a sentence by a judge for a felony or misdemeanor offense, the judge must direct a CSO to prepare a presentence investigation report ("PSIR"). *Tex. Code Crim. Proc. § 42A.252.* The Texas Attorney General has opined that a district judge does not have authority to order a CSCD Director, who does not supervise defendants, to personally conduct a PSIR or appear in court to present the PSIR. Additionally, a district judge is likely not authorized to order a specifically named CSO to conduct a PSIR. *Tex. Att'y Gen. Op. No. GA-0991 (2013).*

A PSIR may be used by the court in determining the punishment to be assessed and whether to grant community supervision and consists of the details of the circumstances surrounding the offense, the amount of restitution necessary to compensate the victim, the defendant's criminal and social history, and any other information related to the offense or defendant requested by the judge. *Tex. Code Crim. Proc. §§ 37.07 § 3(d), 42A.253(a).* The PSIR need not contain a sentencing recommendation, but it must contain a proposed client supervision plan describing programs and sanctions that the CSCD would provide the defendant if the judge granted community supervision. *Tex. Code Crim. Proc. § 42A.253(b).*

Misdemeanor Cases

A PSIR is not required for a misdemeanor offense if the defendant requests to forego the PSIR and the judge agrees, or if the judge determines there is sufficient information in the record to meaningfully exercise sentencing discretion and explains this finding on the record. *Tex. Code Crim. Proc. § 42A.252(b).*

Felony Cases

A PSIR is not required for a felony offense if:

- punishment is to be assessed by the jury;
- the defendant is convicted of or enters a plea of guilty or nolo contendere to capital murder;
- the only punishment available is imprisonment; or
- a plea bargain exists where the punishment is imprisonment and the judge intends to follow the agreement.

Tex. Code Crim. Proc. § 42A.252(c).

A defendant in a felony case may waive his right to the preparation of a PSIR, even when eligible for community supervision. *Griffith v. State, 166 S.W.3d 261 (Tex. Crim. App. 2005)*. A defendant may waive the right to a PSI report or any part of a PSI report by not properly objecting to any part missing from the PSI report or the omission of a PSI report in whole. *Morris v. State, 2016 Tex. App. LEXIS 6544 (Tex. App. —Houston [1st Dist.], June 21, 2016)*.

If a PSIR is not required in a felony case listed above, the judge may direct a CSO to prepare a postsentence report containing the same information required for a PSIR, other than a proposed supervision plan and the information reflected in the judgment. *Tex. Code Crim. Proc. § 42A.259.*

Mental Impairment Evaluation

A PSIR conducted on any defendant convicted of a felony offense who appears to the judge through his own observation or on suggestion of a party to have a mental impairment shall include a psychological evaluation which determines, at a minimum, the defendant's IQ and adaptive behavior score. *Tex. Code Crim. Proc. § 42A.253.*

Alcohol or Drug Abuse Evaluation

A judge must require an "evaluation to determine the appropriateness of, and a course of conduct necessary for, alcohol or drug rehabilitation for a defendant" when:

- the court determines that alcohol or drug abuse may have contributed to the commission of the offense and the case involves a second or subsequent offense for either:
  - driving while intoxicated under Penal Code § 49.04, committed within five years of the date on which the most recent preceding offense was committed; or
  - intoxication assault under Penal Code § 49.07 or intoxication manslaughter under Penal Code § 49.08 that involves the operation of a motor vehicle, committed within five years of the date on which the most recent preceding offense was committed.

The evaluation shall be made:

- after arrest and before conviction, if requested by the defendant;
- after conviction and before sentencing, if the judge assesses punishment in the case;
- after sentencing and before the entry of a final judgment, if the jury assesses punishment in the case; or
- after community supervision is granted, if the evaluation is required as a condition of community supervision.

Tex. Code Crim. Proc. § 42A.257.

Military Status Evaluation

A PSIR must include information regarding whether the defendant is a current or former member of the state military forces or the armed forces of the United States in an active-duty status. If the defendant has served in an active-duty status, the investigation shall

determine whether the defendant was deployed to a combat zone and whether the defendant may suffer from post-traumatic stress disorder or a traumatic brain injury. *Tex. Code Crim. Proc. § 42A.253.* If available, a copy of the defendant's military records and discharge papers must be included in the PSIR provided to the judge. *See Chapter 7 for a discussion of Specialty Courts.*

Sex Offender Treatment Evaluation

A judge is required to request an evaluation to determine the appropriateness of, and a course of conduct necessary for, treatment, specialized supervision, or rehabilitation of a sex offender. The evaluation must be made after conviction and before the entry of a final judgment, or if requested by the defendant, after arrest and before conviction. *Tex. Code Crim. Proc. § 42A.258.*

State Jail Felony Evaluation

If a defendant is charged with a state jail felony, the PSIR must contain recommendations for conditions of community supervision that the CSCD considers advisable or appropriate based on the circumstances of the offense and other factors addressed in the PSIR. *Tex. Code Crim. Proc. § 42A.253(a)(5).* The judge, before imposing a sentence in a state jail felony case, must review the PSIR prepared for the defendant and determine whether, in the best interests of justice, the judge should suspend the imposition of the sentence and place the defendant on community supervision or order the sentence to be executed in whole or in part. If the sentence is suspended, the judge must impose conditions of community supervision consistent with the recommendations contained in the PSIR. *Tex. Code Crim. Proc. § 42A.554(b).*

Disclosure of PSIR

A judge may not inspect the PSIR, nor may it be disclosed to any person, unless the defendant pleads guilty or nolo contendere or is convicted of the offense, or the defendant, in writing, authorizes the judge to inspect the report. *Tex. Code Crim. Proc. § 42A.254.*

The PSIR must be available for the defendant or the defense attorney to read at least 48 hours prior to imposing the sentence, unless waived by the defendant. The court is required to permit the defendant or the defense attorney to comment on the PSIR and, with approval of the judge, introduce testimony or other information alleging a factual inaccuracy in the PSIR. The court must allow the prosecuting attorney access to any information made available to the defendant. *Tex. Code Crim. Proc. § 42A.255.*

Disclosure of PSIR to Child Protective Services

Under Section 261.101, Family Code, a community supervision officer may release to the Department of Family and Protective Services (DFPS) information contained in a PSIR, to the extent that such information discloses that a child's physical or mental health or welfare has been adversely affected by abuse or neglect. *Fam. Code § 261.101.* An officer who releases such information to DFPS is immune from civil and criminal liability under Section 261.101(a), for having done so. *Tex. Att'y Gen. Op. No. GA-0847 (2011).*

Victim Impact Statements

A crime victim also has an opportunity to prepare a victim impact statement describing the effect of the crime on the victim. If a statement is prepared, the court is required to consider it before the imposition of sentence. If the defendant is sentenced to community supervision, the statement is forwarded to the supervising department and becomes part of the case file. *Tex. Code Crim. Proc. § 56.03(e).*

The Texas Court of Criminal Appeals has held that a victim's recommendation on punishment may be included in the PSIR. The court in Fryer v. State found that the language in Article 42.12, Section 9(a) (the statutory predecessor to Articles 42A.252 and 42A.253) was "broadly worded, and by its plain language allows inclusion of any information relating to the defendant or the offense, which would include information about a victim's belief concerning the defendant's suitability for probation." *Fryer v. State, 68 S.W.3d 628, 629 (Tex. Crim. App. 2002).*

2.3 Community Supervision Conditions

The court is required to determine conditions of community supervision and may, at any time during the period of supervision, modify the conditions. The basic conditions of community supervision are listed in Code of Criminal Procedure Article 42A.301, but a judge is not limited to the enumerated conditions. A judge may impose any "reasonable condition that is designed to protect or restore the community, protect or restore the victim, or punish, rehabilitate, or reform the defendant." *Tex. Code Crim. Proc. § 42A.301.* Additionally, certain offenses require a judge to impose specified conditions of community supervision.

In 2017, the 85th Texas Legislature passed SB 1584, requiring a judge to consider the results of a validated risk and needs assessment prior to determining non-duplicative conditions of community supervision. The judge must consider the person's ability to satisfy these conditions in conjunction with their work, education, community service, and financial obligations. Before requiring a person to receive treatment in certain substance abuse treatment programs as a condition of community supervision, a judge must consider the results of an evaluation conducted to determine the level of treatment necessary to address the person's alcohol or drug dependency. *Tex. Code Crim. Proc. § 42A.301.*

General Community Supervision Conditions

Confinement as a Condition

A judge may require as a condition of community supervision, at any time during the supervision period, that the defendant submit to a term of confinement in a county jail, which may not exceed 30 days in a misdemeanor case or 180 days in a felony case. *Tex. Code Crim. Proc. § 42A.302.*

If a court grants community supervision to a defendant convicted of an offense because of bias or prejudice, for which the court made an affirmative finding, the court may require as a condition of community supervision that the defendant submit to a term of confinement in TDCJ, which may not exceed one year if the offense is a felony other than under Penal Code Section 19.02 or not more than 90 days in jail if the offense is a misdemeanor. *Tex. Code Crim. Proc. § 42A.501.*

Substance Abuse Felony Punishment Program Condition

For certain defendants, a judge may require as a condition of community supervision, at any time during the supervision period, that the defendant submit to a term of confinement and treatment in a substance abuse felony punishment facility (SAFPF), which must be an indeterminate term of not more than one year or less than 90 days. *Tex. Code Crim. Proc. § 42A.303.* The judge shall make an affirmative finding that:

- drug or alcohol abuse significantly contributed to the commission of the offense or violation of a condition of community supervision, as applicable; and
- the defendant is a suitable candidate for treatment, as determined by the suitability criteria established by the Texas Board of Criminal Justice under Government Code Section 493.009(b).

If a judge requires as a condition of community supervision that the defendant serve a term of confinement and treatment in a SAFPF, the judge shall also require as a condition of community supervision that on release from the facility the defendant:

- participate in a drug or alcohol abuse continuum of care treatment plan; and
- pay a fee in an amount established by the judge for residential aftercare required as part of the treatment plan.

A defendant who is convicted of a felony under Penal Code Section 21.11, 22.011, or 22, 021 or a criminal attempt under those sections cannot be confined in this manner. *Tex. Code Crim. Proc. § 42A.303*.

Community Service Conditions

A judge may require as a condition of community supervision that the defendant work a specific number of hours at a community service project or projects for organizations approved by the judge and designated by the CSCD. *Tex. Code Crim. Proc. § 42A.304(a)*. The maximum number of required hours is specified according to the offense classification. *Tex. Code Crim. Proc. § 42A.304(b).*

A judge is prohibited from requiring a defendant to work at a community service project if the judge determines that:

- the defendant is physically or mentally incapable of participating in the project;

- participation in the project will present a hardship on the defendant or the defendant's dependents;
- the defendant is confined in a SAFPF as a condition of community supervision; or
- there is other good cause not to require community service.

Tex. Code Crim. Proc. § 42A.304(a).

If a court makes an affirmative finding that an offense was committed because of bias or prejudice, the judge may order the defendant to perform community service at a project designated by the judge that primarily serves the targeted person or group. If the judge orders community service based on bias or prejudice, the defendant must perform not less than 100 hours of service if the offense was a misdemeanor or 300 hours of service if the offense was a felony. *Tex. Code Crim. Proc. § 42A.304(d).*

A defendant convicted of an offense under Section 352.082 (Outdoor Burning of Household Refuse in Certain Residential Areas), Local Government Code, must perform 60 hours of community service by picking up litter or working at a recycling facility. *Tex. Code Crim. Proc. § 42A.304(e).*

In lieu of requiring the person to work a specified number of hours at a community service project, a judge may allow a defendant to make a specified donation to a nonprofit food bank or food pantry in the community in which the defendant resides, a charitable organization engaged primarily in performing charitable functions for veterans, or if the defendant resides in a county of 50,000 or less, to another nonprofit organization that provides services or assistance to needy individuals or families in the community in which the defendant resides. *Tex. Code Crim. Proc. § 42A.304(f).*

According to the Attorney General, a judge does not have the general authority to modify the conditions of community supervision to require a defendant to pay a fee to be used for CSCD purposes in lieu of performing community service. But, a court does have the specific authority to modify the conditions to allow a defendant to make a specified donation to a local food bank or food pantry in lieu of community service. *Tex. Att'y Gen. Op. No. GA-0593 (2008)* (A court may only modify the conditions of probation to require a payment if the payment is expressly authorized by law or constitutes a fine, court costs, restitution to the victim, or a condition related personally to the rehabilitation of the defendant.).

Community Outreach

A judge is authorized to order a defendant placed on community supervision for an offense involving the possession, manufacture, or delivery of a controlled substance to perform not more than 30 hours of community outreach in lieu of community service. Community outreach consists of working in conjunction with a secondary school to educate students on the dangers and legal consequences of possessing, manufacturing, or delivering controlled substances. A secondary school is not required to allow a

defendant to perform community outreach at that school. The judge may not authorize the defendant to perform hours of community outreach in lieu of hours of community service if the defendant is physically or mentally incapable of participating in community outreach or subject to sex offender registration under Code of Criminal Procedure Chapter 62. *Tex. Code Crim. Proc. § 42A.305.*

Drug Court programs may be available to defendants who are charged with offenses involving the use, possession, or sale of alcohol, a controlled substance, or marihuana. *See Chapter 7 for a discussion of Specialty Courts.* To encourage participation in the program, a judge or magistrate administering a drug court program may suspend any requirement that a program participant work a specified number of hours at a community service project. Additionally, the participant may be excused from any community service requirement upon the completion of the program. Two years after completing the program, the defendant may petition the court for an order of non-disclosure if the person has not previously been convicted of a 42A.054 (colloquially known as "3g") felony or a sexually violent offense and has not been convicted of a new felony offense within two years after completing the program. The nondisclosure petition is applicable to both convictions and deferred adjudications. *Tex. Gov't Code §§ 123.001-008.*

The First Offender Prostitution Program is available to certain defendants who are charged with prostitution (solicitation) under Section 43.02(a)(2), Penal Code. To encourage participation in the program, a judge may suspend a community supervision condition requiring the defendant to participate in a community service project. Two years after completing the program, the defendant may petition the court for an order of non-disclosure if the person has not previously been convicted of a felony and has not been convicted of a new felony offense within two years after completing the program. The nondisclosure petition is applicable to both convictions and deferred adjudications. *Health & Safety Code §§ 169.001-006.*

Monetary Conditions

A judge may not order a defendant to make any payments as a term or condition of community supervision, except for fines, court costs, restitution to the victim, certain reimbursements to the county, and other conditions related personally to the rehabilitation of the defendant or otherwise expressly authorized by law. *Tex. Code Crim. Proc. § 42A.651.* The court shall consider the ability of the defendant to make payments before ordering the defendant to make payments under this article. *Tex. Code Crim. Proc. § 42A.655.* A defendant's obligation to pay a fine or court cost as ordered by a judge exists independently of any requirement to pay the fine or court cost as a condition of the defendant's community supervision. A defendant remains obligated to pay any unpaid fine or court cost after the expiration of the defendant's community supervision. *Tex. Code Crim. Proc. § 42A.651(b).*

In 2017, the 85th Texas Legislature passed SB 527, granting a judge the authority, at any time during a defendant's sentence of confinement or period of community supervision, after providing written notice to the defendant and an opportunity for the defendant to present information relevant to the defendant's ability to pay, to order a defendant, who did not have the financial resources to pay

for legal services provided to the defendant, to pay any unpaid portion, if the judge determines that the defendant has the financial resources to now pay. The judge may not revoke or extend the defendant's period of community supervision solely to collect the amount the defendant has been ordered to pay. *Tex. Code Crim. Proc. § 26.05.*

In 2019, the 86th Legislature passed SB 346, under which a judge may only consider a defendant's present ability to pay fines, fees, and costs. Certain defendants can get waivers based on ability to pay, but this can be reconsidered if the court later finds the defendant has sufficient resources or income.

A number of permissible conditions listed in Article 42A require the defendant to make a monetary payment as a condition of community supervision, including:

- pay the defendant's fine and all court costs, *Tex. Code Crim. Proc. § 42A.301(8);*
- if confined in a community corrections facility (CCF), pay a percentage of income to that facility for room and board, and to dependents for their support, *Tex. Code Crim. Proc. § 42A.301(12);*
- reimburse the crime victims' compensation fund for the money paid to the victim of crime or make a one-time payment to the fund of no more than $50 for a misdemeanor offense or $100 for a felony offense, *Tex. Code Crim. Proc. § 42A.301(17);*
- reimburse a law enforcement agency for specified expenses incurred in handling materials seized in connection with the offense, *Tex. Code Crim. Proc. § 42A.301(18);*
- pay for the victim's counseling, *Tex. Code Crim. Proc. § 42A.301(19);*
- pay $50 to the crime stoppers organization, *Tex. Code Crim. Proc. § 42A.301(20);*
- pay up to $50 to the children's advocacy center if the defendant was charged with or convicted of the offense of indecency with a child or sexual assault of a child, *Tex. Code Crim. Proc. § 42A.455;*
- pay $100 to the county family violence shelter if the defendant was convicted of an offense under Title 5, Penal Code, and that involved family violence, *Tex. Code Crim. Proc. § 42A.504(b);*
- pay a fine, court costs, or restitution to the victim, *Tex. Code Crim. Proc. § 42A.651(a)(1);*
- pay the costs for treatment, supervision or rehabilitation and an additional $5 monthly supervision fee if a sex offender, *Tex. Code Crim. Proc. §§ 42A.452, 42A.653;*
- pay the cost for drug or alcohol rehabilitation, *Tex. Code Crim. Proc. §§ 42A.402(c), 42A.409(b)(4);*
- pay the cost for attending a firearms safety course if the defendant was convicted of the offense under Penal Code Section 46.13 (making a firearm accessible to a child), *Tex. Code Crim. Proc. § 42A.513(b);*
- pay the cost for attending a battering intervention and prevention program and counseling and pay for the victim's counseling, *Tex. Code Crim. Proc. § 42A.504(c)(1);*
- pay a fee for residential aftercare associated with the substance abuse felony program, *Tex. Code Crim. Proc. § 42A.303(d)(2);* and/or
- pay a monthly fee between $25 and $60 to the CSCD while on community supervision, *Tex. Code Crim. Proc. § 42A.652.*

Residency and Travel Conditions

The Texas legislature has authorized judges to determine the conditions of community supervision, including conditions about where the defendant may live and travel. This provision gives judges broad discretion to issue orders allowing defendants to travel or relocate outside the state. Established common law provides that judges are not liable in civil actions for their judicial acts, so it is likely that courts of other states would recognize the full scope of judicial immunity granted to Texas judges. However, this is a question for those courts to decide in the first instance. *Tex. Att'y Gen. Op. No. GA-0691 (2009)*.

Discretionary Conditions for Certain Offenses and Offenders

Child Abuse Offenses

A court granting community supervision to a person convicted of an offense described by Article 17.41(a), (offense committed against a child younger than 14) may require as a condition of community supervision that the defendant not:

- directly communicate with the victim of the offense; or
- go near a residence, school, or other location, as specifically described in the copy of terms and conditions, which is frequented by the victim.

Tex. Code Crim. Proc. § 42A.503.

Stalking Offenses

A court granting community supervision to a person convicted of an offense described by Section 42.072, Penal Code, (stalking), may require as a condition of community supervision that the defendant not:

- communicate directly or indirectly with the victim of the offense; or
- go to or near:
  - the residence, place of employment, or business of the victim; or
  - a school, day-care facility, or similar facility where a dependent child of the victim is in attendance.

Tex. Code Crim. Proc. § 42A.505.

Mentally Impaired Offenders

A judge who grants community supervision to a person determined to have either a mental illness or an intellectual disability may require as a condition of community supervision that the defendant submit to outpatient or inpatient mental health or intellectual disability treatment if the mental impairment is chronic or the ability to function will continue to deteriorate without receiving services, and it's determined those services are available. *Tex. Code Crim. Proc. § 42A.506.*

Criminal Street Gang Members and Organized Crime Offenses

A court granting community supervision to a person convicted of a felony offense who meets the following criteria may require the defendant to submit to tracking under an electronic monitoring service or other appropriate technological service designed to track a person's location. *Tex. Code Crim. Proc. § 42A.507.* This applies to a defendant who:

- is identified as a member of a criminal street gang in a specified intelligence database, and
- has two or more times been previously convicted of, or received a grant of deferred adjudication or another functionally equivalent form of community supervision or probation for, a felony offense under the laws of this state, another state, or the federal government.

A court may limit the hours and locations a defendant convicted of an offense under Chapter 71 (Organized Crime), Penal Code, may operate a motor vehicle. *Tex. Code Crim. Proc. § 42A.508.* A court may require a defendant to avoid persons of disreputable or harmful character, including any person, other than a family member of the defendant, who is an active member of a criminal street gang. *Tex. Code Crim. Proc. § 42A.301(3).*

Animal Cruelty Offenses

A judge is authorized to order attendance at a responsible pet owner course sponsored by a municipal animal shelter as a condition of community supervision for a person convicted of an animal cruelty offense under Penal Code Section 42.09 (cruelty to livestock), 42.091 (attack on assistance animal), 42.092 (cruelty to non-livestock animal), or 42.10 (dogfighting). *Tex. Code Crim. Proc. § 42A.511.* In 2017, the 85th Texas Legislature passed HB 162, allowing persons to satisfy attendance in a responsible pet owner course with an online course. *Tex. Code Crim. Proc. § 42A.511.*

In 2017, the 85th Texas Legislature passed SB 1232, creating a felony offense for the crime of bestiality (Penal Code Section 21.09). If community supervision is ordered, a judge may cause a person to surrender all animals in their possession; prohibit a person from owning/possessing any animals; or require counseling or other treatment. *Tex. Code Crim. Proc. § 42A.511(b).* A person convicted of or placed on deferred adjudication for bestiality must register for ten years post discharge. *Tex. Code Crim. Proc. § 62.001(5).*

Minor Offenders

Judges are authorized to require a person under 18 years of age convicted of or charged with "sexting" under Penal Code Section 43.261 and granted community supervision, to attend and successfully complete an educational program on the dangers of sharing visual materials depicting the sexual conduct of a minor under Education Code Section 37.218 or another equivalent educational program. The court is required to order the person or parents to pay the cost of the educational program, if financially able to make the payment. *Tex. Code Crim. Proc. § 42A.512.*

A judge may require a person under 18 years of age granted community supervision after conviction of an alcohol-related offense under:

- Alcoholic Beverage Code Sections 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07;
- Penal Code § 49.02; or
- an offense involving possession of a controlled substance or marihuana under Health and Safety Code Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121,

to attend an alcohol awareness program or drug education program designed to educate persons on the dangers of drug abuse. *Tex. Code Crim. Proc. § 42A.514.* Unless the judge determines that the person is indigent and unable to pay, the judge shall require the person to pay the cost of attending the program, and may allow the cost to be paid in installments during the term of the supervision period. *Tex. Code Crim. Proc. § 42A.514(b).*

Mandatory Conditions

Mandatory Education Condition

A judge must require a defendant to demonstrate that the person has at least a sixth grade educational skill level. If the judge determines that the defendant has not attained such a level, a judge must require as a condition of community supervision that the defendant attain such a level, unless the judge determines that the defendant lacks the intellectual capacity or the learning ability to ever achieve that level of skill. *Tex. Code Crim. Proc. § 42A.351.*

Mandatory DNA Sample Conditions

A person granted community supervision for certain misdemeanors is required to provide a DNA sample and pay a $50 court cost. The misdemeanor offenses requiring a DNA sample are Penal Code:

- § 21.07 (Public lewdness);
- § 21.08 (Indecent exposure);
- § 22.07 (Terroristic threat);
- § 25.04 (Enticing a child);
- § 43.03 (Promotion of prostitution); and
- § 43.24 (Sale, distribution, or display of harmful material to a minor).

Tex. Code Crim. Proc. § 102.020(a)(2).

A person convicted of a felony who is granted community supervision is required to provide a DNA sample unless the person has already submitted the required sample under other state law. *Tex. Code Crim. Proc. § 42A.352.* In 2017, the 85th Texas Legislature passed HB 238, adding Penal Code Section 43.02(b)(prostitution) to the list of felony offenses which require a DNA sample. *Tex. Gov't Code § 411.1471(a).*

There is a $34 court cost fee for a person who is required to submit to DNA testing. *Tex. Code Crim. Proc. § 102.020(a)(3).* The court may waive the fee if the person is indigent. *Tex. Code Crim. Proc. § 102.020(j).*

A CSCD that accepts custody or supervision of an individual from another state or jurisdiction under the interstate compact or a reciprocal agreement with a local, county, state, or federal agency is required to collect a DNA sample if the individual was convicted of or adjudicated as having engaged in conduct constituting a felony and is otherwise required to provide a DNA sample. *Tex. Gov't Code § 411.148(k).*

Mandatory Restitution Conditions

A judge who grants community supervision to a defendant required to pay restitution must order the payment of restitution as a condition of community supervision. The court may revoke community supervision if the defendant fails to comply with the order. In determining whether to revoke community supervision, the court shall consider:

- the defendant's employment status;
- the defendant's current and future earning ability;
- the defendant's current and future financial resources;
- the willfulness of the defendant's failure to pay;
- any other special circumstances that may affect the defendant's ability to pay; and
- the victim's financial resources or ability to pay expenses incurred by the victim as a result of the offense.

Tex. Code Crim. Proc. § 42.037(h).

Mandatory Restitution for Child Victims of Trafficking of Persons or Compelling Prostitution

A defendant convicted of an offense under Penal Code §§ 20A.02 (Trafficking of persons) or 43.05(a)(2) (Compelling prostitution of a child) is required to pay restitution in an amount equal to the cost of necessary rehabilitation, including medical, psychiatric, and psychological care and treatment, for any victim of the offense who is younger than 18 years of age. After considering the financial circumstances of the defendant, the court shall specify the manner in which the defendant must pay the restitution. *Tex. Code Crim. Proc. § 42.0372.*

Mandatory Restitution for Child Witnesses of Family Violence

A defendant placed on community supervision for an offense involving family violence (Family Code § 71.004) committed in the physical presence of, or in the same habitation or vehicle occupied by, a person younger than 15 years of age, is required to pay restitution in an amount equal to the cost of necessary rehabilitation, including medical, psychiatric, and psychological care and treatment for the child. *Tex. Code Crim. Proc. § 42.0373.*

Mandatory Restitution for Graffiti Offenses

A person convicted of an offense under Penal Code § 28.08 (Graffiti) is required to make restitution by either reimbursing the owner or political subdivision the cost of restoring or replacing the property or personally restoring the property by removing or painting over any markings the defendant made. *Tex. Code Crim. Proc. § 42.037(s).* A defendant is required to deliver the amount or property due as restitution to the person's supervising officer for transfer to the owner, and the supervising officer must notify the court when the person has delivered the full amount of restitution ordered. *Tex. Code Crim. Proc. § 42.037(s)(4).*

A judge must require, as a condition of community supervision for a graffiti offense, the defendant perform:

- at least 15 hours of community service if the amount of pecuniary loss is $50 or more but less than $500; or
- at least 30 hours of community service if the amount of pecuniary loss is $500 or more.

Tex. Code Crim. Proc. § 42A.509.

Certain Mandatory Intoxication Offense Conditions

Mandatory Intoxication and Alcoholic Beverage Offenses Conditions

A judge who grants community supervision to a defendant convicted of an offense under Penal Code Chapter 49 (Intoxication and Alcoholic Beverage Offenses) must require specific conditions of community supervision which vary based on the offense and punishment range and the defendant's history of intoxication offenses. *Tex. Code Crim. Proc. § 42A, Subchapter I.* The required conditions, include:

- confinement in a county jail, the period of confinement varies depending on the convicted offense and punishment range, *Tex. Code Crim. Proc. § 42A.401(a);* If the defendant's community supervision is later revoked, the term of confinement may not be counted toward completion of the sentence, *Tex. Code Crim. Proc. § 42A.401(b);*
- submit to a drug and alcohol evaluation and treatment, *Tex. Code Crim. Proc. § 42A.402(a);*
- pay for the associated costs if substance abuse treatment is recommended, *Tex. Code Crim. Proc. § 42A.402(c);*
- complete an education program designed to rehabilitate persons who have driven while intoxicated, *Tex. Code Crim. Proc. § 42A.403;*

- complete a program for repeat alcohol & drug offenders, *Tex. Code Crim. Proc. § 42A.404;*
- install an ignition interlock device on vehicle (not always mandatory), *Tex. Code Crim. Proc. § 42A.408;* and
- suspension of driver's license or permit, the suspension period varies by the offense and punishment range, *Tex. Code Crim. Proc. § 42A.407.*

A judge shall waive the educational requirements under 42A.403 and 42A.404 for a defendant who is required to receive treatment as a resident of a SAFPF if the defendant successfully completes the equivalent education while confined. *Tex. Code Crim. Proc. § 42A.4045.*

A person under 21 years of age who is convicted of certain alcohol-related offenses must attend an alcohol awareness, drug education, or drug and alcohol driving awareness program. A person required to complete such an awareness program may take an approved online alcohol awareness course or perform at least eight hours of community service related to alcohol abuse prevention or treatment if the person resides in a county with a population of less than 75,000 and an alcohol awareness course is not readily available in the county. *Alco. Bev. Code § 106.115(b-1).* If the person is under 18 years of age, the court may require the parent or guardian of the minor to attend the program. *Alco. Bev. Code § 106.115(a).*

Ignition Interlock Devices

A person whose driver's license has been suspended following a conviction for an intoxication offense under Penal Code §§ 49.04-49.08 is entitled to operate a vehicle during the entire period of suspension by obtaining an occupational driver's license and installing an ignition interlock device on every vehicle the person operates. *Tex. Code Crim. Proc. § 42A.407.* A judge may restrict a person to the operation of a vehicle with an ignition interlock device following the conviction but must do so if:

- the defendant is convicted of DWI or BWI;
- it is found at trial that the defendant had a alcohol concentration level of 0.15 or more;
- the defendant is placed on community supervision after conviction of an offense under Sections 49.04—49.06, Penal Code; for which the defendant is punished under Penal Code Section 49.09(a) or (b); or
- the court determines that the defendant has one or more previous convictions under Sections 49.04—49.08, Penal Code.

Tex. Code Crim. Proc. § 42A.408, Transp. Code § 521.246.

If the judge determines that the defendant is indigent under Transportation Code Section 708.158[3], a waiver of the installation charge and a 50% reduction of the monthly monitoring fee may be ordered. The cost reduction does not apply to fees assessed if the device detects ethyl alcohol.

The requirement may be waived if, based on a controlled substance an evaluation of the defendant, the judge finds it is not necessary for the safety of the community. This finding must be made on the record.

In 2019, the 86th Texas Legislature passed HB 3582, which amended Texas Code of Criminal Procedure Article 42A.408 by adding Sections (e-1) and (e-2). First, the judge may impose a "reasonable payment schedule" if there is a determination that the defendant is unable to pay. Second, If the judge determines that the defendant is indigent under Transportation Code Section 708.158, a waiver of the installation charge and a 50% reduction of the monthly monitoring fee may be ordered. The cost reduction does not apply to fees assessed if the device detects ethyl alcohol. Under Section (e-2), the requirement for an interlock ignition device may be waived if, based on a controlled substance and alcohol evaluation of the defendant, the judge finds it is not necessary for the safety of the community. This finding must be made on the record.

A court who places on community supervision a person under 21 years of age who is convicted of these offenses must require as a condition of community supervision that the defendant not operate any motor vehicle unless the vehicle is equipped with an ignition interlock device. *Tex. Code Crim. Proc. § 42A.408.* A person who obtains an occupational driver's license with an ignition interlock designation may not be subject to restrictions on the time, reason, or location of travel. *Transp. Code § 521.248(d).*

Purchasing Alcohol for a Minor or Furnishing Alcohol to a Minor

Certain community supervision conditions are required for a defendant charged with an offense under Section 106.06 (purchasing alcohol for a minor or furnishing alcohol to a minor), Alcoholic Beverage Code, who committed the offense at a gathering where participants were involved in the abuse of alcohol, including binge drinking or forcing or coercing individuals to consume alcohol. A judge must:

- require the defendant, in addition to any other community service hours mandated, to perform community service for not less than 20 hours and not more than 40 hours (if available, the community service must be related to the education or prevention of misuse of alcohol; if not available in the community in which the court is located, the court may order community service appropriate for rehabilitative purposes);
- require the defendant to attend an approved alcohol awareness program; and
- order the Department of Public Safety to suspend the defendant's driver's license or permit for 180 days. If the defendant does not possess a license or permit, the order must prohibit one from being issued for 180 days.

These conditions apply to both post-conviction community supervision and deferred adjudication. *Alco. Bev. Code § 106.06*.

Mandatory Enhanced Disorderly Conduct and Public Intoxication Offenses Conditions

On conviction of an offense under Penal Code §§ 42.01 (Disorderly conduct) or 49.02 (Public intoxication) for which punishment is enhanced under Penal Code § 12.43(c), the court must require the defendant as a condition of community supervision to:

- submit to diagnostic testing for addiction to alcohol or a controlled substance or drug;
- submit to a psychological assessment;
- participate in an alcohol or drug abuse treatment or education program, if indicated as necessary by testing and assessment; and
- pay the costs of testing, assessment, and treatment or education, either directly or as a court cost.

Tex. Code Crim. Proc. § 42A.510.

Sex Offender Conditions

Mandatory Conditions Regarding Sex Offenses

Registration and DNA

A judge who grants community supervision for a registerable sexual offense must require the defendant to:

- register as a sex offender under Code of Criminal Procedure Chapter 62; and
- submit a DNA sample to the Department of Public Safety under Government Code Chapter 411, Subchapter G.

Tex. Code Crim. Proc. § 42A.451.

Child Safety Zones

A judge who grants community supervision to a defendant for an offense under Penal Code:

- § 20.04(a)(4) (Aggravated kidnapping, if the defendant committed the offense with the intent to violate or abuse the victim sexually);
- § 20A.02, (Trafficking of Persons with the intent or knowledge that the victim would engage in sexual conduct as defined by Penal Code § 43.25, or benefited from participating in a venture that involved a trafficked victim engaging in sexual conduct as defined by Penal Code § 43.25);
- § 21.08 (Indecent exposure);
- § 21.11 (Indecency with a child);
- § 22.011 (Sexual assault);
- § 22.021 (Aggravated sexual assault);

- § 25.02 (Prohibited sexual conduct);
- § 30.02(d) (Burglary of a habitation with intent to commit an offense under Penal Code §§ 21.08, 21.11, 22.011, 22.021, 25.02, or 20.04(a)(4), if the defendant committed the offense with the intent to violate or abuse the victim sexually);
- § 43.05(a)(2) (Compelling prostitution of a child);
- § 43.25 (Sexual performance by a child); or
- § 43.26 (Possession or promotion of child pornography),

and determines that the victim was a child must impose a child safety zone as a condition of community supervision and the defendant must:

- not supervise or participate in any program that includes as participants or recipients children 17 years of age or younger and that regularly provides athletic, civic, or cultural activities;
- not go in, on, or within 1,000 feet of premises where children commonly gather (not required if the defendant is a student at a primary or secondary school, Tex. Code Crim. Proc. § 42A.453(c)(1)(B); and
- attend psychological counseling sessions for sex offenders with an individual or organization which provides sex offender treatment or counseling as specified by or approved by the judge or the CSO supervising the defendant.

Tex. Code Crim. Proc. § 42A.453.

Commercially Exploited Persons Program

Defendants convicted of prostitution (class B misdemeanor or state jail felony) must participate in the program if available. Program fees may be suspended in whole or in part. *Tex. Code Crim. Proc. § 42A.515.*[2]

Additional Fees for Certain Sex Offenders

A judge who grants community supervision to a person convicted of the following Penal Code offenses must require the person to pay the CSCD a monthly supervision fee of $5 in addition to other court costs or fees imposed:

- § 21.08 (Indecent exposure),
- § 21.11 (Indecency with a child),
- § 22.011 (Sexual assault),
- § 22.021 (Aggravated sexual assault),
- § 25.02 (Prohibited sexual conduct),

- § 43.25 (Sexual performance by a child), or
- § 43.26 (Possession or promotion of child pornography).

Tex. Code Crim. Proc. § 42A.653.

Employment

Defendants convicted of a sexually violent offense where the victim was less than 14 years of age are prohibited from being employed as a bus driver and from operating or offering to operate a bus, taxicab, limousine, or amusement ride. It also prohibits such defendants from providing any type of residential service unless supervised. *Tex. Code Crim. Proc. §§ 62.053, 62.063.*

Internet

A judge who grants community supervision to a defendant required to register as a sex offender under Code of Criminal Procedure Chapter 62 for an offense under Penal Code:

- § 21.11 (Indecency with a child), § 22.011(a)(2) (Sexual assault), § 22.021(a)(1)(B) (Aggravated sexual assault), § 33.021 (Online solicitation of a minor), or § 43.25 (Sexual performance by a child);
- who used the Internet or any other type of electronic device used for Internet access to commit the offense or engage in the conduct for which the person is required to register as a sex offender; or
- is assigned a numeric risk level of two or three based on a specified risk assessment;

shall prohibit the sex offender, as a condition of community supervision, from using the Internet to:

- access material that is obscene;
- access a commercial social networking site;
- communicate with any individual concerning sexual relations with an individual who is younger than 17 years of age; or
- communicate with another individual the person knows is younger than 17 years of age; and
- will require the defendant to submit to regular inspection or monitoring of each electronic device used by the defendant to access the internet. *Tex. Code Crim. Proc. § 42A.454.*

The judge may modify this condition at any time if it interferes with the defendant's ability to attend school or become or remain employed and consequently constitutes an undue hardship for the defendant, or if the defendant is the parent or guardian of an individual who is younger than 17 and the defendant is not otherwise prohibited from communicating with that individual. *Tex. Code Crim. Proc. § 42A.454.*

In *Packingham v. North Carolina*, the Supreme Court found that a North Carolina statute, which made it a felony for a registered sex offender "to access a commercial social networking Web site where the sex offender knows that the site permits minor children to become members or to create or maintain personal Web pages," impermissibly restricted lawful speech in violation of the First Amendment. The Court determined foreclosing access to social media altogether is to prevent the user from engaging in the legitimate exercise of First Amendment rights. 132 S. Ct. 17230, 1738 (citing *Ashcroft v. Free Speech Coalition, 535 U. S.* 234, 255 (2002) ("The Government "may not suppress lawful speech as the means to suppress unlawful speech.")

Certain Other Offenses & Offenders Conditions

Burglaries of Vehicles

The minimum period of community supervision for an offense under Penal Code Section 30.04 (punishable as a Class A misdemeanor with a minimum term of confinement of six months) is one year. *Tex. Code Crim. Proc. § 42A.057.*

Family Violence Offenses Required Conditions

A judge who grants community supervision to a person convicted of an offense under Penal Code Title 5 (Offenses against the Person) that the court determines involved family violence, is required to order the defendant to pay $100 to a family violence center that serves the county in which the court is located. *Tex. Code Crim. Proc. § 42A.504.* The court may require the defendant to attend a battering intervention and prevention program or attend counseling sessions. *Tex. Code Crim. Proc. § 42A.504(c).*

Texas Controlled Substances Act Offenses (State Jail Felonies) Required Conditions

A judge who places a person on community supervision for a state jail felony for which community supervision is mandatory under Article 42A.551(d) must require the defendant to comply "with substance abuse treatment conditions that are consistent with standards adopted by the Texas Board of Criminal Justice (Board)." *Tex. Code Crim. Proc. § 42A.554; 37 Tex. Admin. Code § 163.40* (standards adopted by the Board).

The offenses under the Health and Safety Code leading to mandatory community supervision are:

- § 481.115(b) (possession of less than one gram of a substance in penalty group 1);
- § 481.1151(b)(1) (possession of fewer than 5 abuse units of a substance in penalty group 1-A);
- § 481.116(b) (possession of less than one gram of a substance in penalty group 2);
- § 481.1161(b)(3) (possession of one pound or less but more than four ounces of a substance in penalty group 2-A (synthetic cannabinoids));
- § 481.121(b)(3) (possession of one pound or less but more than four ounces of marihuana); or

- § 481.129(g)(1) (possession of a fraudulent prescription form for a controlled substance or possession without authorization for a prescription for a controlled substance listed in Schedule II or III).

Tex. Code Crim. Proc. § 42A.054(c); Health & Safety Code § 481.116(b)(3).

The judge is not required to impose the conditions under Article 42A.551(a) upon an affirmative finding that the defendant does not require imposition of the conditions to successfully complete the period of community supervision. *Tex. Code Crim. Proc. § 42A.554(c)*.

2.4 Facilities

State Jail Felony Community Supervision

Except for certain offenses, if a defendant is convicted of a state jail felony, the judge shall suspend the imposition of the sentence and place the defendant on community supervision. *Tex. Code Crim. Proc.§ 42A.551*. If the jury assesses punishment, the judge must follow the recommendation of the jury. If a jury does not recommend community supervision, the judge must order the sentence to be executed in whole. *Tex. Code Crim. Proc. § 42A.551*. Before imposing a state jail felony sentence, the judge must review the presentence report and determine whether the best interests of justice require the judge to place the defendant on community supervision or order the sentence to be served in whole or in part. *Tex. Code Crim. Proc. art. 42A.552*. The minimum period of community supervision under this subchapter is two years with a maximum of five years unless the judge extends up to 10 years. *Tex. Code Crim. Proc. § 42A.553*.

If, in a state jail felony case, a judge requires as a condition of community supervision for a defendant to serve a term of confinement in a state jail facility, the term may not be less than 90 days or more than 180 days, or not less than 90 days or more than one year for certain drug offenses. *Tex. Code Crim. Proc. § 42A.555*. This same confinement can be imposed as a sanction for violating a condition of community supervision. *Tex. Code Crim. Proc. § 42A.556*. A defendant does not earn good conduct credit for time spent in a state jail facility but may be awarded diligent participation credit. If later revoked, a defendant receives jail credit for the time served in the state jail facility. *Tex. Code Crim. Proc. § 42A.559*.

Community Corrections Facilities

If a judge requires as a condition of community supervision or participation in a pretrial intervention program, or a drug court program, that a defendant serve a term of confinement in a community corrections facility (CCF), the term may not exceed 24 months and the judge may not impose a subsequent term within the same supervision period that would make the total time exceed 36 months. *Tex. Code Crim. Proc. § 42A.602*. A defendant does not earn good conduct credit for time spent in a CCF or apply time spent in the facility toward completion of a prison sentence if the supervision is revoked. *Tex. Code Crim. Proc. § 42A.603*.

2.5 Payments; Fees

In 2017, the 85th Texas Legislature passed SB 527, permitting a judge to order a person who was appointed counsel, after providing written notice regarding repaying the unpaid balance and an opportunity to present financial information, to pay the unpaid / reduced portion of legal fees if the judge determines the person has the financial resources to do so. A judge may order a person to pay all or part of the cost of legal services at any time during the person's confinement, placement on community supervision, or period of deferred adjudication, and may amend an order to pay if the judge determines at a later date that the person is indigent or unable to pay the amount ordered. A judge may not revoke or extend the person's period of community supervision solely to collect the unpaid balance. *Tex. Code Crim. Proc. § 26.05.*

See Monetary Conditions subsection above for more information regarding payments and fees.

2.6 Completing Community Supervision

Term of Community Supervision

Community supervision begins on the day of sentencing and the term excludes the final anniversary date. *Nesbit v. State, 227 S.W.3d 64 (Tex. Crim. App. 2007)*. Punishment is assessed and suspended in post-conviction community supervision but not in deferred adjudication community supervision. Once a defendant has completed the term of community supervision and satisfactorily fulfilled the conditions of community supervision, a judge must discharge the defendant. *Tex. Code Crim. Proc. § 42A.701(e)*.

Supervision Period for a Misdemeanor Offense

The maximum period for both post-conviction community supervision and deferred adjudication for a misdemeanor case is two years. *Tex. Code Crim. Proc. § 42A.053, 42A.103.* For the offense of burglary of a vehicle, punishable as a Class A misdemeanor, the minimum period of community supervision is one year. *Tex. Code Crim. Proc. § 42A.057*.

Supervision Period for a Felony Offense

The minimum term for post-conviction community supervision in a felony case must not be less than the statutory minimum term of imprisonment for the offense, except for certain sex offenses. *Tex. Code Crim. Proc. § 42A.053*. The minimum term is five years for the following sexual offenses against children under Penal Code:

- § 20.04(a)(4) (Aggravated kidnapping with the intent to violate or abuse the victim sexually);
- § 20A.02 (Trafficking of Persons with the intent or knowledge that the victim would engage in sexual conduct as defined by § 43.25, Penal Code, or benefited from participating in a venture that involved a trafficked victim engaging in sexual conduct as defined by § 43.25, Penal Code);

- § 21.08 (Indecent exposure);
- § 21.11 (Indecency with a child);
- § 22.011 (Sexual assault);
- § 22.021 (Aggravated sexual assault);
- § 25.02 (Prohibited sexual conduct);
- § 30.02(d)(2), (3) (Burglary of a habitation with the intent to commit a designated sexual offense);
- § 43.05(a)(2) (Compelling prostitution of a child);
- § 43.25 (Sexual performance by a child); or
- § 43.26 (Possession or promotion of child pornography).

Tex. Code Crim. Proc. § 42A.453.

The maximum term for post-conviction community supervision for a 1st, 2nd, or 3rd degree felony is 10 years, except it is five years for:

- a 3rd degree felony under Penal Code Title 7 (Offenses Against Property) other than an offense under Section 33.021(c) (Online Solicitation of a Minor); or
- a 3rd degree felony under Health and Safety Code Chapter 481 (Controlled Substances Act).

The maximum term is subject to certain extensions authorized under Article 42A.753 or 42A.757. Tex. Code Crim. Proc. § 42A.053. The minimum period for post-conviction community supervision for a state jail felony is two years and the maximum is five years, except that a judge may extend the maximum to 10 years. *Tex. Code Crim. Proc. § 42A.553*.

Judicial Clemency (Reduction or Termination of Community Supervision Period)

Early Termination from Community Supervision

Except for a defendant convicted of an offense listed in 42A.054 (3g offenses), an intoxication offense under Penal Code Section 49.04 or 49.08, or required to register as a sex offender, a judge may reduce or terminate a defendant's period of post-conviction community supervision any time after the defendant has satisfactorily completed one-third of the original community supervision period or two years of community supervision, whichever is less. *Tex. Code Crim. Proc. § 42A.701(a)*. A judge must review the defendant's record and consider whether to reduce or terminate the period on completion of one-half of the original period or two years, whichever is more, unless the defendant:

- who has the ability to pay, is delinquent in paying required restitution, fines, costs, or fees; or
- the defendant has not completed court-ordered counseling or treatment.

Tex. Code Crim. Proc. § 42A.701(b).

In 2017, the 85th Texas Legislature passed HB 1507, requiring a court to notify a person in writing, prior to accepting a plea and when placing a person on community supervision, that successful completion of community supervision may result in release from the penalties arising from the charged offense. *Tex. Code Crim. Proc. § 42A.058*.

Before reducing or terminating a period of community supervision or conducting a review under Article 42A.701, the judge must notify the prosecuting attorney and the defendant, or the defendant's attorney if the defendant has one. If the judge determines that the defendant has failed to fulfill the conditions of community supervision, the judge must advise the person in writing of the requirements for satisfactorily fulfilling those conditions. *Tex. Code Crim. Proc. § 42A.701(d)*.

When discharging the defendant, a judge may also allow the defendant to set aside the verdict or permit the defendant to withdraw his plea, and dismiss the accusation, complaint, information or indictment against the defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which the defendant has been convicted or to which the defendant has pleaded guilty (with certain exceptions). *Tex. Code Crim. Proc. § 42A.701(f)*. "This second type of discharge is not a right but rather is a matter of judicial clemency within the trial court's sole discretion….If a judge chooses to exercise this judicial clemency provision, the conviction is wiped away, the indictment dismissed, and the person is free to walk away from the courtroom released from all penalties and disabilities resulting from the conviction." *Cuellar v. State, 70 S.W.3d 815, 819 (Tex. Crim. App. 2002)*.

A person's felony conviction for a sex offense set aside pursuant to Article 42.12, Section 20's judicial clemency provision (recodified in 2017 as 42A.701) cannot constitute the predicate conviction required to sustain a conviction for Failure to Register. *Hall v. State, 440 S.W.3d 690* (Tex. App.—Texarkana, 2013) (Because Hall's 1981 conviction was set aside and the case dismissed prior to enactment of the sex offender registration requirements, Hall had no duty to register as a sex offender.).

A judge may not require a defendant to pay the community supervision fee for any month after the period of community supervision has been terminated by the judge. *Tex. Code Crim. Proc. § 42A.652(e)*.

Time Credits for Completion of Certain Conditions

Time credits are applicable to defendants granted community supervision for offenses punishable as a state jail felony or a 3rd degree felony, except for: intoxication offenses, offenses involving family violence, kidnapping, arson, and registerable sex offenses. To be eligible, defendants must not be delinquent in paying their costs, fines, or fees, and must have fully paid their victim restitution. *Tex. Code Crim. Proc. § 42A.702(a)*. A court is required to award time credits toward the completion of a person's period of community supervision, including deferred adjudication, for meeting specific conditions of community supervision, shown in the chart below. *Tex. Code Crim. Proc. § 42A.702(b)*.

Condition	Credit
Full payment of court costs	15 days
Full payment of fines	30 days
Full payment of attorney fees	30 days
Full payment of restitution	60 days
Earn a high school diploma or high school equivalency certificate	90 days
Earn an associate's degree	120 days
Complete parenting class or parental responsibility program	30 days
Complete anger management program	30 days
Complete life skills training program	30 days
Complete vocational, technical, or career education or training program	60 days
Complete alcohol or substance abuse counseling or treatment	90 days

For defendants on post-conviction community supervision, the CSO must notify the court if the earned time credits plus the amount of the community supervision term completed allow or require the court to conduct a review for a reduction or termination of community supervision. The court must take into account the time credits when determining whether the defendant is eligible for a reduction or termination of community supervision. *Tex. Code Crim. Proc. § 42A.702(f)*.
A court is authorized to forfeit part or all of the defendant's time credit, if, after a hearing, the court finds that the defendant violated one or more conditions of supervision. *Tex. Code Crim. Proc. § 42A.702(g)*.

Orders of Nondisclosure
A person who was placed on community supervision for certain offenses, has received a discharge and dismissal, and has satisfied the specified requirements may receive or petition the court that originally granted the community supervision for an order of nondisclosure of criminal history record information. Any person seeking an order of nondisclosure must meet the requirements of Section 411.074 (Required Conditions for Receiving an Order of Nondisclosure), Government Code.

A judge is required to inform a defendant, before placing the defendant on post-conviction community supervision or deferred adjudication, of the right to receive or petition the court for an order of nondisclosure, unless the defendant is ineligible for an order because of the instant offense or the defendant's criminal history. *Tex. Code Crim. Proc. § 42A.106(b)*.

Eligibility for orders of nondisclosure includes persons granted post-conviction community supervision for certain misdemeanors (and required notice of eligibility upon conviction), and certain procedure are in place for defendants granted deferred adjudication for certain nonviolent misdemeanors to obtain an "automatic" order of nondisclosure. A judge is required to make an affirmative finding if a person would otherwise be eligible for an "automatic" order of nondisclosure, but it is not in the best interest of justice to provide the order. *Tex. Gov't Code §§ 411.072, 411.073; Tex. Code Crim. Proc. § 42A.105(f)*.

For a person placed on deferred adjudication for certain nonviolent misdemeanors (a misdemeanor other than a misdemeanor under Penal Code Chapter 20, 21, 22, 25, 42, 43, 46, or 71) who has never before been convicted of or placed on deferred adjudication for any other offense (other than a traffic fine), and who does not have an affirmative finding under 42A.105(f), after discharge and dismissal from the period of deferred adjudication, the court shall issue an order of nondisclosure. If the court determines that the person seeking the of the order of nondisclosure satisfies the requirements of Section 411.074, after the person pays a $28 fee to the clerk, the court must issue the order at the time of dismissal, or as soon as practicable after the 180 day after placement on community supervision.

For a person placed on deferred adjudication for a felony or misdemeanor who does not qualify for the order of nondisclosure without petition, regardless of whether the person has been previously convicted or placed on deferred adjudication for another offense (except those that disqualify under Section 411.074), the person may petition the court for an order of nondisclosure on or after:

- the discharge and dismissal, if the offense was a misdemeanor other than a misdemeanor under Penal Code Chapter 20, 21, 22, 25, 42, 43, or 46;
- the second anniversary of the discharge and dismissal, if the offense was a misdemeanor under Penal Code Chapter 20, 21, 22, 25, 42, 43, or 46;
- the fifth anniversary of the discharge and dismissal, if the offense was a felony.

For a person placed on post-conviction community supervision for any misdemeanor (except a misdemeanor under Penal Code Section 49.04, 49.05, , 49.065 or Penal Code Chapter 71 or Alcoholic Beverage Code Section 106.041) who has never before been convicted of or placed on deferred adjudication for any other offense (other than a traffic fine), the person may petition the court for an order of nondisclosure on or after:

- the completion of community supervision if the offense was a misdemeanor;
- the second anniversary of the completion of community supervision if the offense was a misdemeanor under Penal Code Chapter 20, 21, 22, 25, 42, 43, or 46.

SB 20 provides that certain victims of the offense of compelling prostitution may be eligible for an order of nondisclosure. *Tex. Gov't Code § 411.0728.*

For all orders of nondisclosure requiring a petition, after providing notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition (under Section 411.074) and the issuance of the order is in the best interest of justice, the court must issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense. *Tex. Gov't Code § 411.081*.

Once the order of nondisclosure has been issued, a court may not disclose to the public any information contained in the court records that is the subject of an order of nondisclosure, except to criminal justice agencies for criminal justice or regulatory licensing purposes, to other specified agencies, or to the person who is the subject of the order. After sending a copy of the order or the criminal history information to the Texas Department of Public Safety, the clerk must seal any court records containing the information as soon as possible. *Tex. Gov't Code § 411.081(g-3)*.

Expunctions

Article 1.14 of the Code of Criminal Procedure allows a person to waive the right to seek expunction of arrest records and files as a condition in a pretrial diversion agreement, provided the waiver is voluntarily, knowingly, and intelligently made. *Tex. Att'y Gen. Op. No. KP-0158 (2017)*.

Mandatory Expunctions

A person is entitled to have all records and files related to an arrest expunged upon a pardon or finding of actual innocence. *Tex. Code Crim. Proc. § 55.01*. The trial court must issue an expunction order and notify any entity or agency that has any record or file. *Tex. Code Crim. Proc. § 55.02*.

A person is entitled to have all records and files related to an arrest expunged if the person is released, and the charge, if any, has not resulted in a final conviction and is no longer pending, and there is no court-ordered community supervision (unless the charge is a Class C misdemeanor), provided that:

An indictment or information (regardless of statute of limitations) charging the person with the commission of a misdemeanor or felony arising out of the same transaction for which the person was arrested has not been presented against the person at any time following the arrest, and:

- at least 180 days have elapsed from the date of arrest if the arrest was for a Class C misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;
- at least one year has elapsed from the date of arrest if the arrest for a Class B or A misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

- at least three years have elapsed from the date of arrest if the arrest was for an offense punishable as a felony or if there was a felony charge arising out of the same transaction for which the person was arrested; or
- the attorney representing the state certifies that the applicable arrest records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person; or if presented at any time following the arrest, was dismissed or quashed, and the court finds that the indictment or information was dismissed or quashed because:
  - the person completed a pretrial intervention program authorized under Section 76.011, Gov't Code,
  - the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense; or
  - the indictment or information was void; or
  - prosecution of the person for the offense for which the person was arrested is no longer possible because the limitations period has expired. *Tex. Code Crim. Proc. § 55.01(a)(2).*

Discretionary Expunctions

A district court may expunge all records and files relating to the arrest of a person for commission of a felony or misdemeanor if the person is tried for the offense for which the person was arrested, convicted of the offense, and acquitted by a court of appeals. Tex. Code Crim. Proc. § 55.01(b)(1). A district court may expunge records relating to an arrest when an office of the attorney representing the state authorized by law to prosecute the offense recommends the expunction to the appropriate district court before the person is tried for the offense, regardless of whether an indictment or information has been presented against the person in relation to the offense. *Tex. Code Crim. Proc. § 55.01(b)(2)*.

Situations Prohibiting Expunction

A court may not expunge records or files relating to an arrest for which a person is subsequently acquitted, if the offense for which the person was acquitted arose out of a criminal episode and the person has been convicted of or remains subject to prosecution for at least one other offense from the criminal episode. *Tex. Code Crim. Proc. § 55.01(c)*.

Records of an arrest may not be expunged when the arrest occurs pursuant to a warrant issued for a violation of community supervision. Tex. Code Crim. Proc. § 55.01(a-1). Records of an arrest may not be expunged for a person who intentionally or knowingly absconds from the jurisdiction after being released on bail following the arrest. *Tex. Code Crim. Proc. § 55.01(a-2)*.

Procedure for Expunctions

Special Procedure for Actual Innocence Expunctions

A court presiding over a case in which a defendant is convicted and subsequently granted relief or pardoned on the basis of actual innocence must enter an order of expunction not later than the 30th day after the date the court receives notice of the pardon or other grant of relief. The person shall provide to the district court all of the information normally required in a petition for expunction. *Tex. Code Crim. Proc. § 55.02 § 1a*.

The attorney for the state shall prepare an expunction order for the court's signature, and notify the Texas Department of Criminal Justice if the person is in its custody. *Tex. Code Crim. Proc. § 55.02 § 1a(b)*.

The court shall include in an expunction order for actual innocence a listing of each official, agency, or other entity of this state or political subdivision of this state and each private entity that there is reason to believe has any record or file that is subject to the order.

The court shall also provide in an expunction order based on actual innocence that:

- the Texas Department of Criminal Justice shall send to the court the documents delivered to the department under Article 42.09, Section 8(a) (Pen Packet); and
- the Department of Public Safety and the Texas Department of Criminal Justice shall delete or redact, as appropriate, from their public records all index references to the records and files that are subject to the expunction order.

Tex. Code Crim. Proc. § 55.02 § 1a(c).

The court shall retain all documents sent to the court pursuant to an expunction for actual innocence until the statute of limitations has run for any civil case or proceeding relating to the wrongful imprisonment of the person subject to the expunction order. *Tex. Code Crim. Proc.§ 55.02, § 1a(d)*.

Retention of Records by a Law Enforcement Agency and Prosecuting Attorney

A court must provide in its expunction order that the applicable law enforcement agency and prosecuting attorney may retain the arrest records and files of any person who becomes entitled to an expunction of those records and files based on a specified expiration of a period: (180 days since arrest for a Class C misdemeanor), (one year since arrest for a Class A or B misdemeanor), or (three years since arrest for a felony). *Tex. Code Crim. Proc. § 55.02, § 4(a-1)*.

Pardons

The Governor may pardon a person after successful completion of a term of deferred adjudication community supervision upon the recommendation of the Texas Board of Pardons and Paroles. *Tex. Const. § IV, § 11(b); Tex. Code Crim. Proc. § 48.01*.

Ten years after successfully completing a term of deferred adjudication, a person may apply for a pardon by submitting a written request to the Board of Pardons and Paroles for its consideration. Based upon the recommendation and advice of the Board of Pardons and Paroles, the Governor may pardon that person. *Tex. Code Crim. Proc. § 48.01*. After being granted a pardon, the person's criminal history records could be expunged.

Revocation & Other Sanctions

If community supervision is revoked, the judge may proceed to dispose of the case as if there had been no community supervision. The judge may reduce, but not increase, the original sentence to a term not less than the minimum prescribed for the offense of conviction. The judge must enter the amount of restitution as of the date of revocation. *Tex. Code Crim. Proc. § 42A.755(a)*.

When community supervision is revoked and confinement is imposed, the defendant may appeal the revocation. *Tex. Code Crim. Proc. § 42A.755(e)*.

Violation of Community Supervision Conditions

A motion to revoke (MTR) post-conviction community supervision or motion to adjudicate (MTA) deferred adjudication specifies the conditions of community supervision the defendant violated, and may be filed by the state any time before the community supervision period ends. Any judge who has geographical jurisdiction of the defendant, due to where the defendant resides or where the violation occurred, may issue an arrest warrant or a summons to appear before the court, but only the original trial court may revoke the community supervision or proceed to adjudication, unless the court transferred jurisdiction of the case to another court. *Tex. Code Crim. Proc. § 42A.751*.

No later than 48 hours after a defendant has been arrested for violating a condition of community supervision, the person must be taken before the judge issuing the warrant, or if unavailable, the magistrate in the county the defendant was arrested, to receive the warnings applicable to an arrest for a new offense. The Article 15.17 hearing may be conducted either in person or by means of an electronic broadcasting system. Only the judge who ordered the arrest may authorize the person's release on bail. *Tex. Code Crim. Proc. § 42A.751(c)*. If the defendant is not released on bail, upon motion of the defendant, the hearing must be conducted within twenty (20) days from the date the motion is filed. *Tex. Code Crim. Proc. § 42A.751(d)*. When the defendant's adjudication of guilt has been deferred, the defendant is entitled to bail under Article 1, § 11 of the Texas Constitution, pending an adjudication hearing.

Ex parte Laday, 594 S.W. 2d 102 (Tex. Crim. App. 1980). A defendant whose adjudication has been deferred is entitled to a hearing limited to the determination by the court of whether it proceeds with an adjudication of guilt on the original charge. *Tex. Code Crim. Proc. § 42A.108(b)*.

The Court of Criminal Appeals has stated that community supervision revocation proceedings are judicial proceedings, rather than administrative hearings, and the Rules of Evidence apply. *Ex parte Doan, 369 S.W.3d 205 (Tex. Crim. App. 2012)*. The hearing is conducted before the court without a jury, and the trial judge is the sole trier of facts, the credibility of the witnesses, and the weight to be given to the evidence presented. *Tex. Code Crim. Proc. § 42A.751(d); Witkovsky v. State, 320 S.W. 3d 425, 428-29 (Tex. App.—Fort Worth, 2010)*. A hearing may be held after the term of community supervision expired, if before the term ended, the state filed a MTR or MTA and a capias was issued for the defendant's arrest. *Tex. Code Crim. Proc. § 42A.751(l)*. The motion to revoke or adjudicate and the capias must be issued prior to the termination of the probationary period; if the capias is issued the day after the period ends, the court does not retain jurisdiction to revoke or adjudicate the person. E*x parte Moss, No. WR-76,635-03 (Tex. Crim. App. Nov. 5, 2014)*.

The burden of proof is on the state to prove the allegations by a preponderance of the evidence. The state need only prove one violation of the conditions of community supervision in order to revoke the community supervision. The violation report may not be amended after the period of supervision ends. *Crockett v. State, 840 S.W. 2d 160, 162 (Tex. App.—Houston [1st Dist.], 1992)*. The defendant has the right to an attorney at the hearing, and a court is required to appoint counsel for an indigent defendant. *Tex. Code Crim. Proc. § 42A.751(k)*.

A judge may revoke the community supervision of a defendant incarcerated in a penal institution without a hearing if the defendant, in writing before a court of record or a notary, waives his right to a hearing and to counsel, affirms the defendant has nothing to say as to why sentence should not be pronounced, and requests the judge to revoke community supervision and pronounce sentence. *Tex. Code Crim. Proc. § 42A.751(e)*.

If failing to pay compensation to the appointed counsel, community supervision fees, or court costs is the only allegation in the MTR, the state must prove by a preponderance of the evidence that the defendant had the means to pay as ordered by the court. *Tex. Code Crim. Proc. § 42A.751(i)*. A judge may not revoke a defendant's deferred adjudication community supervision based on his refusal to incriminate himself by refusing to answer questions based on past offenses. *See Dansby v. State, No. PD-0613-12 (Tex. Crim. App. 2013)*.

After a hearing, the court may continue, extend, modify, or revoke the community supervision. *Tex. Code Crim. Proc. § 42A.752(a)*.

If the community supervision is continued, the judge may impose additional conditions of supervision, including:

- a requirement to perform or increase the number of hours of required community service, *Tex. Code Crim. Proc. § 42A.752(a)(1)*;
- increase the term of community supervision subject to the limits in 42A.753;
- the total term may not exceed: 10 years for a felony; three years for a misdemeanor, except it may be extended an additional two years if the defendant had not paid the assessed fines, court costs, or restitution, and the judge determines extension will increase the likelihood that the defendant will pay the past due amounts, *Tex. Code Crim. Proc. § 42A.753*; the term for a sex offender may be extended an additional ten years, *Tex. Code Crim. Proc. § 42A.757*;
- increase the defendant's fine, but the total fine may not exceed the maximum fine for the sentencing offense, *Tex. Code Crim. Proc. § 42A.752(b)*;
- place the defendant in a SAFPF, *Tex. Code Crim. Proc. § 42A.752(4)*.

A court may extend the community supervision term as frequently as the judge determines anytime during the period of community supervision, but the period of community supervision in a first, second, or third degree felony may not exceed 10 years, and no more than 3 years for a misdemeanor, unless the defendant fails to pay the fines, costs, or restitution as ordered and the judge determines that extending the period increases the chance of payment at which time the judge can extend up to another two years. A court may extend the period after the term ends, if a MTR or MTA was filed before the supervision ended and the extension was ordered before the first anniversary of when the community supervision ended. *Tex. Code Crim. Proc. § 42A.753*.

The time spent on community supervision is not considered as any part of the time the defendant is sentenced to serve upon revocation, however a judge must credit any time served as a condition of community supervision in a SAFPF or other court-ordered residential program or facility, if the person successfully completed the program. *Tex. Code Crim. Proc. § 42A.755*.

2.7 Miscellaneous

CSCD Supervised Programs

CSCDs have the authority to operate programs for the supervision and rehabilitation of persons in pretrial intervention programs, as well as persons released on bail under Code of Criminal Procedure Chapter 11 (Habeas Corpus), Chapter 17 (Bail), and Article 44.04 (Bond Pending Appeal) or any other law. *Tex. Gov't Code § 76.011(a)*.

A CSCD is authorized to operate programs for the supervision of a person subject to, or the verification of compliance with, a court order issued under:

- Code of Criminal Procedure Article 17.441 and Penal Code Section 49.09(h) each requiring a person to install a deep-lung breath analysis mechanism on each vehicle owned or operated by the person,
- Government Code Chapter 123 (Drug Courts), issuing an occupational driver's license, or
- Transportation Code Chapter 521, Subchapter L granting a person an occupational driver's license.

CSCDs may also operate a program to supervise a person not described above, if a court orders the person to submit to the supervision of, or to receive services from, the department. *Tex. Gov't Code § 76.011(a)(4)*. A CSCD may assess a reasonable administrative fee of at least $25 and not more than $60 per month on an individual who participates in a program operated by the department or receives services from the department and who is not paying a monthly fee under Code of Criminal Procedure Article 42A.652. *Tex. Gov't Code § 76.015*.

Occupational Driver's Licenses

A CSCD's responsibilities while supervising a person granted an occupational driver's license are enumerated under Transportation Code Chapter 521, Subchapter L. A court may order a person granted an occupational driver's license to be supervised by a CSCD or a personal bond office established under Code of Criminal Procedure Article 17.42 in order to verify compliance with the court's conditions, including:

- the hours of the day and days of the week the person my operate a motor vehicle;
- the reasons for which the person may operate a vehicle;
- areas or routes of travel permitted;
- that the person is restricted to the operation of a motor vehicle equipped with an ignition interlock device; and
- that the person must submit to periodic testing for alcohol or controlled substances.

The court may order the supervision to continue until the end of the period of suspension of the person's regular driver's license, including any extensions of that period. The court for good cause may modify or terminate supervision before the end of the period of license suspension.
Transp. Code §§ 521.2462 521.248(a).

Chapter 3

Restitution, Restorative Justice, and Victim Rights

3.1 Victim Restitution, Restoration, and Rights

All CSCDs in Texas collect victim restitution and provide opportunities for reparation to the victims. Additionally, statutory provisions for Victim/Offender Mediation promote reconciliation and offender responsibility that is both therapeutic and restorative. *Tex. Code Crim. Proc. § 26.13(g), 42A.301(15), (17), (19), 56.13*. Victims may submit their written recommendations regarding the offender's punishment to the court. The Victim Impact Statement (VIS) may be contained within the PSIR and may be considered by the court when assessing punishment. *Tex. Code Crim. Proc. § 42A, Subchapter F*. Additionally, after the punishment is pronounced and the court has made a decision regarding community supervision, a victim has the right to address the court and the defendant and give an oral statement of the person's views regarding the offense, the defendant, and the effect of the offense on the victim. *Tex. Code Crim. Proc. § 42.03*.

Through CSCD victim notification under provisions of Government Code *Section 76.016* , victims of crimes such as sexual assault, kidnapping, aggravated robbery, or any offense resulting in serious bodily injury are provided the conditions of supervision for the offense committed against the victim as well as date, time, and location of hearings to modify, revoke, or terminate the community supervision. Victims may also be provided notice when an offender is taken off of electronic monitoring. Victims who want such notification are responsible for requesting it and for providing current contact information to the CSCD. Victims would be notified not later than 30 days before an offender's release from electronic monitoring. *Tex. Code Crim. Proc. § 56.11*.

- **In Fiscal Year 2019, CSCDs collected and paid to victims more than $39.8 million in restitution.**

3.2 Community Service Restitution (CSR)

CSR is a program operated by CSCDs that offers non-financial avenues for offenders unable to make financial reparation to the community (fines and court costs) and victims (actual payment of restitution) to retire those obligations through public service. In lieu of CSR, offenders may make specified donations to non-profit food banks, charitable organizations primarily serving veterans, or in counties with a population of less than 50,000, donations to non-profits providing services or assistance to the needy. *Tex. Code Crim. Proc. § 42A.304*.

- **In Fiscal Year 2019, offenders on community supervision provided 6 million hours of CSR to public and non-profit agencies of Texas.**

3.3 Restorative Justice Alternatives

Courts often review offender noncompliance with court-ordered financial conditions of supervision. Despite compelling arguments for strict compliance, no research indicates that noncompliance with technical violations, such as failure to pay, actually increases recidivism. On the other hand, revocation and incarceration for financial noncompliance can increase public costs where revenue is lost through nonpayment and taxpayers are burdened with the costly housing and care of technical violators in jail and prison.

Restorative Justice Alternatives

- In cases of an offender's inability or failure to pay court costs, fines, or restitution fees, the courts can apply community service restitution as an alternative to revocation. *Tex. Code Crim. Proc. § 42A.752(a)(1)*.
- Courts can also discharge all or part of a fine through community service restitution. *Tex. Code Crim. Proc. § 43.09(f), 45.049(a)*.
- A court may require a defendant to serve all or part of a jail sentence or jail confinement as a condition of supervision by performing community service restitution in lieu of jail confinement. *Tex. Code Crim. Proc. § 42.036(a)*.
- In cases of financial noncompliance with court-ordered restitution, another alternative to revocation is the establishment and perfection of a Restitution Lien. A victim of the offense entitled to court-ordered restitution, or the state entitled to certain fines and costs, may file and perfect a Restitution Lien against the defendant that remains in effect for a period of 10 years. *Tex. Code Crim. Proc. § 42.22*.

Chapter 4

Non-Residential Sentencing Options

A majority of offenders do not require the most restrictive sentencing options. In fact, the recidivism rate of low criminogenic risk and needs offenders can increase with unnecessary levels of programming and close supervision. A number of non-residential programs and supervision strategies can be applied in the community, allowing an offender to maintain effective support mechanisms (such as family and employment) while addressing the offender's risk to reoffend and criminogenic needs. Statutorily-mandated programs such as DWI Education, Drug Offender Education, and DWI Intervention are not addressed, as these conditions are matters of law which the courts apply in addition to interventions that target risk reduction.

4.1 Cognitive Behavioral Programs

Antisocial values are the foundation of criminal thinking. With the exception of criminal history, antisocial risk factors are dynamic and can be addressed through proven curricula designed to give the offender the opportunity and tools to make life changes that can reduce recidivism.

Examples of programs that have proven effective in addressing antisocial values include:

- National Institute of Corrections' "Thinking for a Change," a public domain curriculum; and
- Moral Reconation Therapy (MRT), which is provided through a participant cost structure.

Cognitive programming shows the greatest reduction of recidivism in high-risk offender populations when utilized in conjunction with motivational interviewing techniques.

4.2 Differential Supervision and Specialized Caseloads

Differential supervision is the allocation of community supervision resources targeting the assessed highest dynamic risk and needs population(s) of offenders under supervision by a CSCD. Differential supervision allows staff to focus more time and resources on offenders who will likely recidivate if they do not receive adequate supervision and services. Low risk offenders require less supervision and services and can be placed in larger caseloads, as the recidivism rate of low risk offenders can increase with intensive supervision and restrictive programming.

Differential supervision is the underlying philosophy of specialized caseloads and can be used by CSCDs where offender populations do not justify specialized caseloads. By employing differential supervision, CSCDs can achieve the same reduction in recidivism as a specialized caseload. With the exception of certain offenses, both differential supervision and specialized caseloads are driven by the offender's assessed criminogenic risk and needs rather than the crime committed. The strategies employed to manage risk reduction can be applied in most cases with or without specialized caseloads.

Differential supervision and specialized caseloads typically integrate:

- Supervision strategies that tailor the conditions of supervision, and
- Case management strategies that specifically target interventions for high risk and needs populations.

For example, a mental health offender's chance for success while on supervision increases with a combination of :

- *Court-ordered treatment through local MHMR services, and*
- *Coordinated supervision by a treatment team comprised of the mental health caseworker, clinical coordination, and the local CSO. A mental health team approach allows focus and connection of services to the offender that not only addresses a diagnosis but emphasizes criminogenic risk reduction.*

Specialized Caseloads

Specialized caseloads are an important case-management strategy utilized by CSCDs to address high risk and needs of offenders. CSOs receive specialized training and develop unique expertise in the supervision of specific populations. Specialized caseloads have a much lower officer to offender ratio, with a CSO supervising anywhere between 35 and 65 offenders. The smaller caseload size and the specialized training of the officer allows the CSO to spend more time targeting intervention strategies to the offender's specific criminogenic risk and needs. Some examples of offender populations that may be targeted by specialized caseloads include:

- Mentally impaired caseloads, including developmental and mental illness populations;
- Substance abuse caseloads, including residential transitional, drug court, and chemically dependent populations;
- DWI offenders, including repeat offenders and diagnosed alcohol dependent populations;
- Sex offenders (a list of these caseloads can be found in section 4.3 Sex Offender Supervision);
- Youthful offenders;
- Family violence offenders; and
- Gang intervention caseloads.

Intensive Supervision and Surveillance Caseloads

There are populations of offenders who warrant high levels of accountability out of concern for public safety. Extensive research has shown that these programs can result in higher levels of revocations due to an increase in the documentation of technical violations as a result of the high contact and accountability used to set limits on offender behavior. Surveillance as a supervision model can be applied as a sanction and, if connected to an evidence-based intervention, can reduce recidivism while holding offenders to higher standards of accountability.

Generally, intensive supervision provides both:

- More frequent face-to-face contact with the CSO (both in the office as well as in the field); and
- Higher use of external control technologies such as frequent drug and alcohol testing, electronic monitoring, aversionary substance treatment (such as antabuse and naltrexone), polygraphing, and cooperative law enforcement surveillance.

Because criminal antisocial values are common to these populations, cognitive behavioral programming can be effective in reducing the recidivism of this group of offenders. Some CSCDs use this caseload model and label to apply caseloads with lower ratios of CSOs to offenders supervised to address cases with assessed high criminogenic risk and needs that, by assessment, have a need for high doses of intervention and treatment.

4.3 Sex Offender Supervision

Sex offender community supervision is generally driven by three factors:

- The offense, or elements of the offense;
- Prior offense or conviction/community supervision that is defined under Code of Criminal Procedure Chapter 62 ; and
- Prediction of risk to reoffend.

Offenders charged with, previously convicted of, or supervised for an offense subject to registration as a sex offender under *Chapter 62* are supervised through a combination of mandated supervision conditions, court requisites that address cognitive distortions, and conditions that restrict offender behavior through well-defined boundaries. A number of external controls are mandated by law, such as victim contact restriction, child safety zones, and DNA submission. These external controls are often paired with case management strategies including polygraph examinations, plethysmograph examinations, frequent drug and alcohol testing, and electronic monitoring (more in Section 4.5 Risk Management Strategies).

Certain offenders subject to *Code of Criminal Procedure § 42.015* shall be prohibited from certain types of employment under *§ 62.063* for a person with a reportable conviction or adjudication for a sexually violent offense involving a victim younger than 14 years of age occurring on or after September 1, 2013.

All sex offenders are required to be screened by application of the Static 99 Risk Assessment Screening Instrument which is reported in the Sex Offender Registration database. Only TDCJ certified CSOs or persons certified by the Council on Sex Offender Treatment may administer this instrument and report the results to the court. The assessment and supervision planning for sex offenders is enumerated under *Code of Criminal Procedure §§ 42A.256(c) and 42A.258*. Assessments that focus on cognitive distortions, such as the Multiphasic Sex Inventory (MSI), Able Assessment for Sexual Interest (AASI), and psychological assessments of cognition and impulsivity, provide risk prediction and additional information that can help structure treatment and intervention for this population. Special attention should be paid to cases where the instant offense of supervision is not a sex offense but the offender's prior offense history requires mandatory registration under *Chapter 62*. In such cases, the tailoring of conditions to both the instant offense and the prior offense history should be considered and include the reassessment of both criminogenic risk and needs.

In 2013, the 83rd Texas Legislature passed House Bill 2825 to authorize a commissioners court in a county of any size, rather than a county with a population greater than 100,000, to designate the county sheriff's office or, through interlocal agreement, the chief of police's office to serve as a mandatory countywide registration location for persons subject to *Texas Code of Criminal Procedure, Chapter 62*. The bill also requires a sex offender to use the centralized registration authority for change of address purposes. *Acts 2013, 83rd Leg., R.S., Ch. 1036 § 1, 2013 Tex. Sess. Law Serv. 2493 (codified in Tex. Code Crim. Proc.§ 62.0045).*

4.4 Mental Health/Criminal Justice Initiative

In 2001, the Texas Legislature enacted the Mental Health/Criminal Justice Initiative to provide courts with a sentencing alternative for offenders with mental health disorders. Offenders with mental health disorders are disproportionally represented in the criminal justice population and are twice as likely to have their community supervision revoked1. This initiative appropriated funding for both specialized probation officers and targeted treatment for mentally-impaired offenders.

TDCJ-CJAD and the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) developed a program model, based on best practices, that requires a specialized CSO and a mental health provider to work together as a team to address the needs of mentally impaired offenders. A 2005 study[2] found that offenders participating in this initiative had lower arrest rates and significantly lower incarceration rates, with high-risk offenders having the most significant reduction in recidivism.

4.5 Risk Management Strategies

The application of risk management strategies can enhance offender accountability and can be effective in reducing recidivism when connected to treatment that targets the offender's assessed risk and needs. Research has repeatedly shown that increased accountability without focused risk reduction through cognitive-based treatment can increase violations and revocations. These risk management strategies are tools and should never be confused or equated with a program designed to impact offender criminogenic risk and needs. Risk management strategies can be applied at all levels of the supervision continuum, including serving as sanctions.

Electronic Monitoring

The term "electronic monitoring" is used generically to cover several different offender tracking technologies that can be as little as reporting entry and exit from a place of residence or employment to actual real time global positioning of an offender's location. Electronic monitoring allows for collaboration with other criminal justice agencies in managing offenders. In many jurisdictions, law enforcement agencies willingly report safety zone and curfew violations that are noticed as electronic monitoring violations.

Most electronic monitoring devices utilize transmitters fitted to the offender's wrist or ankle linked to a field monitoring receiver that is connected to a home phone. Entry and exit of residence tracks curfews and can show departures consistent with work or attending court-ordered programming. Global Positioning Satellite (GPS) systems use similar wrist and ankle transmitters but the monitoring receiver transmits directly to a GPS satellite which is then translated into an electronic mapping for offender location in either a real-time display or passively by offender activity mapping showing where the offender has been during the day. Some common applications of electronic monitoring include:

House Arrest

House Arrest is an effective incapacitation of activity for offenders who are not threats to the community, such as:

- offenders serving a jail sentence for nonviolent offenses,
- offenders sanctioned for minor and technical violations of community supervision, or
- offenders with medical conditions who cannot practically be housed in a jail.

House arrest using either GPS technology or controlled entry/exist telephone transmitter technology can be used in lieu of a jail sentence for these populations. Use of house arrest also allows work release and continuous residence restriction on weekends or days off of the offender. The use of these tools allows the offender to function in support of the household and has few negative effects on the offender's family, employment, and other positive support systems.

Offender Tracking

Using electronic monitoring to track an offender's activities increases accountability and can help to enforce safety zones that prohibit contact with either victims (in cases such as violent offenses or family violence crimes) or victim populations (i.e., child safety zone enforcement). Electronic monitoring can also be used to monitor curfews set by the court. These curfews can be correlated to criminal activity periods (requiring offenders to not leave their place of residence during certain hours of the day), reducing the public's exposure to that type of behavior. Additionally, electronic monitoring can be used to help reintegrate an offender into the community by transitioning the offender from the restrictions of residential control to curfew accountability.

Offender Sanctioning

By increasing accountability, electronic monitoring represents both a restriction of activity and an additional cost that can be assessed against the offender. Use of electronic monitoring as a condition of supervision can have a punitive attribute that gives an immediate response to offender violations of the court's orders.

Drug and Alcohol Testing

Testing for controlled substances or alcohol is only a tool of detection and accountability. A case management plan that only constitutes seeing and testing offenders will only produce violations and increase revocations. The use of these tools in tandem with cognitive substance abuse treatment can reduce recidivism. For more on this please refer to section 6.1 Continuum of Care for Substance Abuse Treatment.

CSCDs conduct drug and alcohol forensic screening tests. The type and number of testing technologies to detect use and abuse of alcohol and controlled substances has risen dramatically over the years. With substance abuse as a common denominator in a majority of crime, identification of the drugs of choice and patterns of abuse can be empirically derived from good drug testing protocols. Urinalysis testing is the most common sampling utilized by CSCDs. Drug testing results, depending on the technology, can be reported qualitatively (positive/negative) or quantitatively (nanograms per measured volume). Alcohol breath testing is reported by percentage of air volume. Before any treatment or sanction may be imposed or a violation reported to the court (based on the allegation that an offender has tested positive for a controlled substance or alcohol in violation of community supervision conditions), the sample in evidence of the alleged violation must be confirmed by either a documented offender confession or by a confirmation test of a separate technology by a licensed laboratory. The results obtained from drug and alcohol testing of offenders can be used to tailor and adjust treatment strategies for offenders that takes into account the type, method of use, and level of drug or alcohol abuse, allowing for the better targeting of an offender's criminogenic risk and needs through an individualized treatment plan.

Ignition Interlock

Ignition interlock technology prevents operation of a motor vehicle by a driver who, through an installed ignition breath analyzer, reveals any measurable breath alcohol content (BAC). This technology is an external control of offender conduct. It is imperative that assessment-driven intervention be applied in repeat DWI offenses to lower the criminogenic risk and needs of repeat offenders. Interlock technology can, in some systems, be circumvented by use of another person's breath sample to start the vehicle. A few technologies capture a picture of the person blowing into the device to prevent substitute samples. All ignition interlock systems require regular subsequent breath testing during vehicle operation. Ignition interlock systems are marketed by various vendors throughout the state. CSCDs should provide offenders with a list of licensed ignition interlock vendors.

Brief Review of Legal Statutes Regarding the Use of Ignition Interlock:

- CSCDs are required to report the installation of interlock devices, ordered as a condition of supervision, to the Texas Department of Public Safety. *Tex, Gov't Code § 509.004(a)(5).*
- Prior to conviction, repeat offenders charged under 49.04-49.06 or persons charged with an offense under 49.07-49.08 are required to have installation of the ignition interlock as condition of bond set by a magistrate. *Tex. Code Crim. Proc. § 17.441.*
- Repeat offenders convicted of the above offenses are required to install ignition interlock as a condition of supervision. *Tex. Code Crim. Proc. § 42A.408.*
- For driver's license suspensions stemming from the previously enumerated convictions in which an occupational license is granted by a court, installation of the ignition interlock device is a requisite of receiving an occupational license. *Transp. Code . § 521.246 (a).*
- Ignition interlock must be installed within 30 days of the court's order, for not less than 50% of the supervision term in mandated alcohol motor vehicle offenses. *Tex. Code Crim. Proc.§ 42A.408(f).*
- The courts have discretion to order ignition interlock for first time offenders charged under provisions of 49.04-49.08 of the Penal Code unless the BAC is .15% or greater, in which case the courts are mandated to order ignition interlock for first time offenses. *Tex. Code Crim. Proc. § 42A.408(c).*

4.6 Battering Intervention and Prevention Project (BIPP)

In 1989, the Texas Legislature established the Battering Intervention and Prevention Project (BIPP) and authorized TDCJ-CJAD to contract for administration of the project with the Texas Council on Family Violence (TCFV), a nonprofit organization that has been involved in providing statewide advocacy and technical assistance to victims, law enforcement, and the legal community relating to family violence. In consultation with TCFV, TDCJ-CJAD awards a handful of grants to non-profit family violence programs providing battering intervention services to family violence offenders.

The 80th Texas Legislature required TDCJ-CJAD to adopt guidelines for BIPP programs and accredit all programs and providers providing battering intervention services. The accreditation process has two steps. First, programs seeking accreditation must submit to TDCJ-CJAD an application that includes program policies and procedures. After submission, the programs receive probationary status. Second, TDCJ-CJAD conducts on-site program audits to ensure compliance with BIPP accreditation guidelines. The program is then fully accredited to provide BIPP services.

4.7 Academic Education and Non-Academic Education Programs

CSCDs are required to complete an educational assessment on persons granted community supervision. Offenders assessed with skills below a completed sixth grade level are required to participate in educational programs as a condition of community supervision. *Tex. Code Crim. Proc. § 42A.351.* Education programs appropriate for those under community supervision should allow students enough time to achieve goals. Successful approaches employ self-paced learning, individualized learning plans, and student-set goals. Although a number of adult educational programs are offered in or through CSCDs, nearly all CSCD educational programs are conducted in partnership with the Texas Education Agency's adult education programs. All Community Corrections Facilities (CCFs) and Substance Abuse Felony Punishment Facilities (SAFPFs) operate educational programs that provide both basic education (less than 6th grade attainment) and GED programming.

A few CSCDs provide non-academic education programs that are instructive in various types of problem-solving or life skills.

4.8 Employment Programs

Criminal justice research indicates a significant relationship between crime and lack of employment. The main goal of employment programs conducted by CSCDs is long-term employment. The most effective programs offer employment preparedness, vocational curricula, problem solving, cognitive programs, and job retention training. In recent years, CSCDs have developed both residential and non-residential programs, contracted with the Texas Workforce Commission, or developed some combination of job preparation and placement services.

4.9 Day Resource Treatment

Day Resource Centers

A day resource center is a non-residential option for those who are assessed as having high needs. The day resource centers:

- Are open to all offenders regardless of risk level;
- Do not necessarily provide intensive supervision or frequent reporting; and
- May or may not house the supervising CSO at the center.

Utilization of the resource center is generally not a condition of community supervision, although specific conditions of supervision may be offered by the day resource center. Offenders mandated to achieve 6th grade skill levels are a primary target of these programs. Day resource centers may provide basic adult education, GED preparatory, and English as a Second Language (ESL) classes. A large number of community service restitution hours are conducted under the umbrella of these centers. Individualized and group counseling sessions may occur within these centers and may include an aftercare component for those being released from residential placements. Day resource centers may also provide additional training opportunities in cognitive, life, and/or job skills.

Chapter 5

Residential Sentencing Alternatives

The decision to select a residential sentencing option should be based on the assessed risk and needs of the offender. A variety of local and state residential facilities can be used to address an offender's criminogenic risk and needs. These facilities can also be used as an alternative intermediate sanction to county jail, state jail, or prison.

5.1 Community Corrections Facility (CCF)

The term Community Corrections Facility (CCF) describes a residential facility operated by the local CSCD, either directly or through contracts with private vendors. CCFs provide a secure environment and treatment targeting specific types of offenders. These locally operated facilities allow the probationer to retain some ties to the community and remain under the supervision of the CSCD. Offenders may be placed in CCFs outside the original jurisdiction as long as space is available. The availability of treatment services discussed in this chapter varies by jurisdiction. Each local CSCD can provide detailed information on the programs available in their area.

Court Residential Treatment Centers (CRTCs): CRTCs provide offenders with substance abuse treatment and educational, vocational, and life skills training. Many CRTCs include employment during the final phase of the program. Some facilities also provide treatment and services for offenders with mental deficiencies or emotional/family problems.

Substance Abuse Treatment Facilities (SATFs): SATFs are designed specifically to provide cognitive-based substance abuse treatment. SATFs may also include educational, life skills, and supportive 12-Step orientation or modified therapeutic community treatment programs.

Intermediate Sanction Facilities (ISFs): CSCD-operated ISFs are used as intermediate sanctions for supervision violators in an effort to give the courts an incapacitation custody option other than revocation or incarceration. Programming provided in ISFs usually includes a substance abuse component, education, and cognitive and life skills programs; some CSCD-operated ISFs have an employment component. These programs should not be confused with the state-contracted ISFs mentioned in Sections 5.2 and 6.6.

Dually Diagnosed Residential Facilities (DDRFs): DDRFs provide the courts with a sentencing alternative for offenders with demonstrated/documented mental health issues. Most of these programs address offenders with co-occurring disorders of mental health and substance abuse. Programming in the DDRF includes a broad range of mental health, substance abuse, and life skills services for offenders with mental impairments in a residential setting.

CCFs by Administrative Judicial Region

Appendix B provides the locations and details of residential facilities (including capacity and contact information) by Administrative Judicial Region as of March 2020.

5.2 State-Contracted Intermediate Sanction Facility (SC-ISF)

State-contracted ISFs (SC-ISFs) are secure lockdown facilities that completely remove the offender from the community and provide either substance abuse treatment or cognitive treatment to medium- or high-risk felony offenders. The Texas Department of Criminal Justice (TDCJ) operates these facilities as an alternative to incarceration for medium- and high-risk felony probationers in violation of the conditions of supervision, sanctioned at sentencing based on the nature of the offense or criminal history. These SC-ISF beds are available statewide to all CSCDs. The contractors operating the SC-ISF provide transportation service to and from the SC-ISF.

SC-ISFs have three treatment tracks:

1. Substance Abuse Treatment Track (see also Section 6.6)
    - Cognitive-based 90 day program

- For offenders who have utilized appropriate local treatment options as determined by the CSCD's progressive interventions and sanctions model

2. Substance Abuse Relapse Track (see also Section 6.6)
   - Cognitive-based 45 day program
   - For offenders who successfully completed a treatment-oriented CCF or Substance Abuse Felony Punishment Facility (SAFPF) and have relapsed and utilized appropriate local treatment options as determined by the CSCD's progressive interventions and sanctions model
3. Cognitive Intervention Track
   - Thinking for a Change 90 day program
   - For offenders who need both cognitive restructuring and social skills interventions

The local CSCDs have an SC-ISF coordinator who can help place defendants in the SC-ISF.

5.3 Substance Abuse Felony Punishment Facility (SAFPF)

SAFPFs are substance abuse treatment facilities specifically designed for felons (other than sex offenders) assessed as having a substance abuse problem. The typical SAFPF offender usually has a history of repeated substance abuse intervention failures at lower levels on the continuum of treatment, placed on community supervision for a Title V offense or cannot be treated in less secure environments due to a history of absconding or bail jumping. SAFPF is an intensive four level substance abuse treatment program that includes:

- six to nine months at the SAFPF;
- two to three months in a transitional treatment center, or the CSCD Community Continuum of Care (4Cs) program;
- nine to twelve months of outpatient aftercare treatment; and
- a three to six month SAFPF relapse component that can be utilized at any level after completion of SAFPF to address relapse behaviors.

SAFPFs are discussed in more detail in section 6.7 Substance Abuse Felony Punishment Facilities. The local CSCDs have a SAFPF coordinator who can help place defendants in the SAFPF program.

Chapter 6

Substance Abuse Sentencing Alternatives

The State of Texas has expanded the availability of substance abuse sentencing alternatives during the last decade. Recent Texas Legislatures have provided additional funds to expand both local and state-operated treatment services and although residential capacity was reduced during the 82nd Texas Legislative Session, bed availability remains consistent with sentencing practices of local courts in FY2017. State-funded programs are available for:

- interventions including substance abuse specialized caseloads;
- non-residential treatment services (assessment, referral, and treatment);
- residential treatment programs; and
- aftercare treatment programs.

More Detailed Information Available

Residential Sentencing Alternatives - Chapter 5

Specialty Courts - Chapter 7

It is important that judges and CSCDs develop assessment-driven progressive interventions, sanctions, and incentive models that incorporate local treatment resources and state-operated and contracted resources. Assessment of an individual's risk to reoffend and criminogenic needs is the most important tool available in determining the most effective course of treatment. Evidence-based practices (EBP) indicate that interventions should be driven by individual assessment, treatment provided be equal to the assessed risk/needs of the offender, and the least restrictive intervention be imposed to achieve the intervention goals.

Persons meeting the diagnostic criteria for chemical dependency do not benefit from lower level programming, such as outpatient services. Conversely, recreational substance abusers are more likely to violate if placed in residential programs intended to service chemically dependent offenders. By promulgating contact with more serious drug populations and the criminogenic values prevalent with dependency, placement of low risk nondependent offenders in a program designed to treat high risk dependent offenders can increase the likelihood of reoffending. In both examples treatment resources are misused producing negative program effects. The availability of treatment services discussed in this chapter varies by jurisdiction; local CSCDs can provide detailed information on the programs available in each jurisdiction.

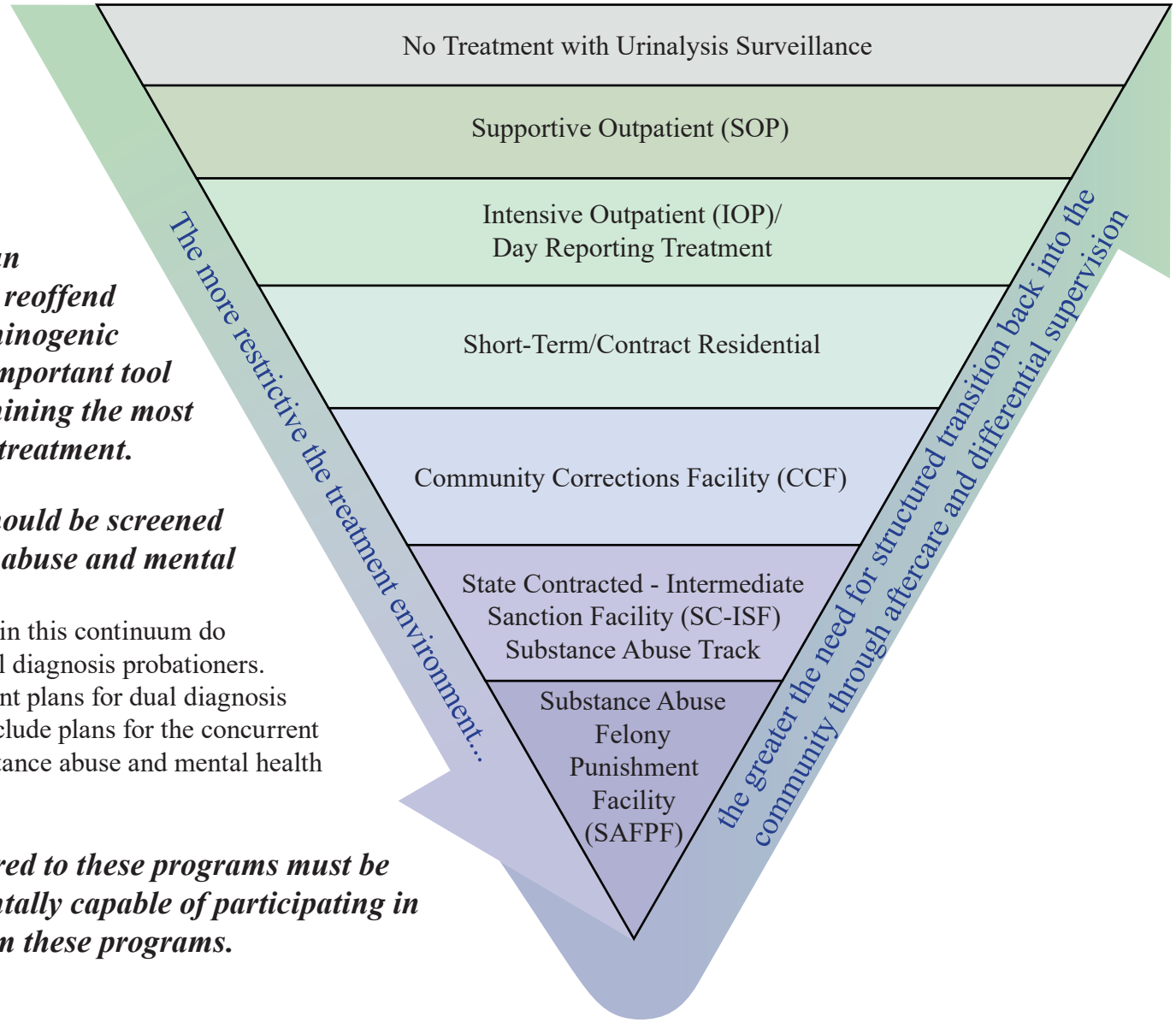
6.1 Continuum of Care for Substance Abuse Treatment

The Community Supervision Stakeholders Committee (CSSC) began meeting in the spring of 2007 to help TDCJ-CJAD plan for the effective use of new treatment resources. The CSSC (composed of judges, CSCD staff, and TDCJ-CJAD personnel) developed the Continuum of Care for Substance Abuse Treatment as a statewide model for intervention with offenders who have substance abuse problems. The primary purpose of the continuum is to clarify for judges, prosecutors, the defense bar, and community supervision professionals the optimal approach for protecting the public while also addressing the offender's substance abuse problem. This is a statewide treatment continuum model that incorporates state-operated and contracted programs with locally-developed treatment programming. It is important for jurisdictions to develop their own models based on treatment resources available locally.

Definitions

Substance Abuse	Any pattern of substance use that results in repeated adverse social consequences related to drug-taking (for example, interpersonal conflicts, failure to meet work, family, or school obligations, or legal problems).
Substance Dependence	A pattern of use of alcohol, drugs, or other substances, with tolerance and/or withdrawal symptoms, drug-seeking behavior, and lack of success in discontinuation of use - to the detriment of social, interpersonal, and occupational activities (commonly known as addiction).
Withdrawal	Those side effects experienced by a person who has become physically dependent on a substance, upon decreasing the substance's dosage or discontinuing its use.
Short-Term Residential	A treatment term of 30 days or less in a residential substance abuse treatment program, including but not limited to a private program, contract residential treatment program, regional drug abuse halfway house funded through the Texas Department of State Health Services (DSHS), or a relapse track return to the original CCF.
Community Corrections Facilities	Not all CSCD-operated CCFs provide substance abuse treatment. The two types of CCFs providing primarily substance abuse treatment are Court Residential Treatment Centers (CRTCs) and Substance Abuse Treatment Facilities (SATFs). For information regarding specific CCF programs and placement of probationers in these programs, please contact the CSCD operating the facility. For a statewide list of CCFs, contact TDCJ-CJAD at 512-305-9300.

Substance Abuse Treatment Options



- ***An assessment of an individual's risk to reoffend and his or her criminogenic needs is the most important tool available in determining the most effective course of treatment.***

- ***All probationers should be screened for both substance abuse and mental health problems.***
  Some of the programs in this continuum do offer treatment for dual diagnosis probationers. Individualized treatment plans for dual diagnosis probationers should include plans for the concurrent treatment of both substance abuse and mental health problems.

- ***Probationers referred to these programs must be physically and mentally capable of participating in and benefiting from these programs.***

Substance Abuse Treatment Options

SOP

Intake Criteria

1. Assess mental health/Check Care System
2. Low or Medium Risk
3. Substance abuse screening/evaluation indicates abuse or possible dependence
4. Misdemeanor or Felony
5. Stable accommodation/support
6. Access to transportation

Program Information

7. Non-secure, community based environment
8. Meet vendor criteria (if applicable)

Aftercare

9. AA/NA or Supportive Programming

IOP/ Day Reporting Treatment

Intake Criteria

1. Assess mental health/Check Care System
2. Medium or High Risk
3. Substance abuse evaluation indicates abuse or dependence
4. Misdemeanor or Felony
5. Stable accommodation/support
6. Access to transportation

Program Information

7. Secure Environment: Low
8. Meet vendor criteria (if applicable)
9. May include dual diagnosis

Aftercare

10. AA/NA, specialized caseload, other local programs

Short-Term/Contract Residential

Intake Criteria

1. Assess mental health/Check Care System
2. Medium or High Risk
3. Substance abuse evaluation indicates dependence
4. Felony (Misdemeanor eligibility determined locally)
5. Some facilities accept Title V offenses

Program Information

6. Secure Environment: Medium (Structured Environment)
7. Programs will vary
8. Length: 1 – 12 months

Aftercare

9. Supportive outpatient
10. Consider reentry drug court
11. AA/NA, specialized caseload, other local programs

CCF

Intake Criteria

1. Assess mental health/Check Care System
2. Medium or High Risk
3. Substance abuse evaluation indicates dependence
4. Felony (up to 20% misdemeanors eligible)
5. Some facilities accept Title V offenses
6. Meets local facility requirements
7. May include dual diagnosis

Program Information

8. Secure Environment: Medium/High (Structured Environment)
9. Length: 3-9 months (varies by facility)

Aftercare

10. Supportive outpatient
11. Consider reentry drug court
12. AA/NA, specialized caseload, other local programs

SC-ISF Substance Abuse Track

Intake Criteria

1. Assess mental health/Check Care System
2. Medium to High Risk or risk to abscond
3. Substance abuse evaluation indicates dependence
4. Felony only, no offense restrictions
5. May include dual diagnosis

Program Information

6. Secure Environment: High
7. Length: Up to 90 days
8. Relapse component

Aftercare

9. Supportive outpatient
10. AA/NA, specialized caseload, other local programs

SAFPF

Intake Criteria

1. Assess mental health/Check Care System
2. High risk or risk to abscond or history of treatment failure
3. Substance abuse evaluation indicates dependence
4. Felony only, sex offenders excluded
5. Medically eligible

Program Information

6. Secure Environment: High
7. Length: 6-9 months facility
8. Relapse component

Aftercare

9. Transitional Treatment Center/4Cs Program[1]
10. Consider reentry drug court
11. SAFPF aftercare, if SAFPF aftercare not available SOP

[1] 4Cs Program (CSCD Community Continuum of Care): Local programs administered by CSCDs, with the approval of TDCJ, as an aftercare alternative to the SAFP Transitional Treatment Center.

Suggested Responses to Substance Abuse Related Violations

LOW RISK → HIGH RISK

Initial Placement	1st	2nd	3rd
No Treatment with Urinalysis Surveillance	(1) SOP	(1) Consider Re-Assessing Risk and Mental Health Needs (2) IOP	(1) Definitely Re-Assess Risk and Mental Health Needs (2) IOP or Short-Term Residential
SOP	(1) IOP	(1) Consider Re-Assessing Risk and Mental Health Needs (2) Relapse Group or Short-Term Residential	(1) Definitely Re-Assess Risk and Mental Health Needs (2) Short-Term Residential or CCF
IOP/ Day Reporting Treatment	(1) If relapse within ➢ 0 to 6 months: Short-Term Residential ➢ 6 months or more: Relapse Group	(1) Consider Re-Assessing Risk and Mental Health Needs (2) Short-Term Residential	(1) Definitely Re-Assess Risk and Mental Health Needs (2) CCF
Short-Term/Contract Residential	(1) If relapse within ➢ < 30 days: Short-Term Return to Relapse ➢ 1 to 6 months: CCF ➢ 6 months or more: Relapse Group	(1) Consider Re-Assessing Risk and Mental Health Needs (2) CCF or ISF-Substance Abuse Track	(1) Definitely Re-Assess Risk and Mental Health Needs (2) ISF-Substance Abuse Track or SAFPF
CCF	(1) If relapse within ➢ < 30 days: Short-Term CCF Readmission ➢ 1 to 6 months: Short-Term Residential ➢ 6 months or more: SOP or IOP	(1) Consider Re-Assessing Risk and Mental Health Needs (2) Short-Term Residential	(1) Definitely Re-Assess Risk and Mental Health Needs (2) Short-Term Residential or SC-ISF Substance Abuse Track
SC-ISF Substance Abuse Track	(1) If relapse within ➢ < 30 days: 45 Day Relapse Track ➢ 1 to 6 months: Short-Term Residential ➢ 6 months or more: Intensive IOP	(1) Consider Re-Assessing Risk and Mental Health Needs (2) If relapse within ➢ 1 to 6 Months: SAFPF ➢ 6 months or more: Short-Term Residential	(1) Definitely Re-Assess Risk and Mental Health Needs (2) SAFPF, followed by participation in a Re-Entry Court
SAFPF	(1) Consider Re-Assessing Risk and Mental Health Needs (2) Refer to TDCJ-CJAD SAFPF Relapse Continuum, followed by participation in a Re-Entry Court	(1) Consider Re-Assessing Risk and Mental Health Needs (2) SC-ISF Substance Abuse Relapse Track, followed by participation in a Re-Entry Court	(1) Definitely Re-Assess Risk and Mental Health Needs (2) Return to SAFPF, followed by participation in a Re-Entry Court

6.2 Screening, Assessment, and Evaluation for Offenders with Substance Abuse Problems

Screenings, assessments, and evaluations can all be used to help determine the nature and extent of a defendant's substance abuse problem.

Screeners are used to determine if an offender has a chemical dependency problem that may require further assessment or evaluation. Many screeners may be used; some examples include the Substance Abuse Subtle Screening Inventory (SASSI) and the TRAS Screener and Trailers.

The purpose of an evaluation is to determine the level of treatment required for an offender's chemical abuse, dependency, or addiction. A trained CSO may administer the TDCJ-CJAD Substance Abuse Evaluation (SAE), and a subsequent clinical evaluation may be conducted by a Qualified Credentialed Counselor (QCC) to determine level of treatment. The offender's risk to reoffend and criminogenic needs should be taken into consideration when tailoring a treatment plan.

- licensed chemical dependency counselor (LCDC);
- licensed professional counselor (LPC);
- licensed master social worker (LMSW);
- licensed marriage and family therapist (LMFT);
- licensed psychologist;
- licensed physician (MD or DO);
- licensed physician's assistant;
- certified addictions registered nurse (CARN); or
- licensed psychological associate; and
- nurse practitioner recognized by the Board of Nursing as a clinical nurse specialist or nurse practitioner with specialty in psyche-mental health (APN-P/MH).

TDCJ-CJAD Standards, *Texas Administrative Code § 163.40(a)(26).*

6.3 Outpatient Treatment Services

A number of CSCDs throughout the state provide some form of outpatient treatment for substance abuse defendants. Outpatient treatment can be divided into supportive outpatient (SOP) treatment, intensive outpatient (IOP) treatment, and relapse prevention/intervention. IOP tends to have a higher frequency and intensity of contact and treatment services than SOP. An assessment of the offender's substance abuse problems will help determine the appropriate level of service.

Generally, CSCDs will either contract with certified or licensed providers for these services or operate a program within the department. The availability of these services is determined locally with the cost of these programs often offset by program participation fees paid by defendants.

6.4 Short-Term/Contract Residential Treatment Services

Some CSCDs contract with private vendors for short-term residential treatment services for substance abuse offenders. Short-term residential treatment is generally considered to be a treatment term of 30 days or less to address specific needs. Many short-term residential programs also offer detoxification. These CSCD-operated programs can vary greatly from one jurisdiction to the next; please contact the local CSCD regarding availability.

Treatment Alternatives to Incarceration Program (TAIP) (Tex. Gov't. Code § 76.017)
TAIPs may provide the following services for probationers whose offenses (other than a Class C misdemeanor) or an element of the offense involved the use, possession, or sale of alcohol or controlled substances.

- Substance abuse screening, assessment, and evaluation services (section 6.2)
- Outpatient treatment services (section 6.3)
- Short-Term/Contract residential treatment services (section 6.4)

Indigent offenders may be eligible for treatment fully funded through TAIP based on a sliding scale fee.

A map depicting the distribution of TAIPs throughout the state can be found in Appendix C.

6.5 Community Corrections Facility (CCF)

Community Corrections Facility (CCF) is a generic term that describes a residential community corrections facility operated by some CSCDs in Texas. Because these facilities are state-funded, access is available to any sentencing court of misdemeanor or felony jurisdiction if the referral meets the program criteria for admission. CCFs are limited to no more than 20% misdemeanor placements. The two primary types of CCFs that provide substance abuse treatment are Court Residential Treatment Centers and Substance Abuse Treatment Facilities and are discussed in more detail in Chapter 5. The types and specific locations of CCFs are covered in detail in Appendix B.

6.6 State-Contracted Intermediate Sanction Facility (SC-ISF)

ISFs provide an intermediate sanction to revocation that removes the offender from the community. Because there is no offense restriction for the SC-ISF, certain sex offenders with chemical dependency problems may be placed in the SC-ISF. The offender must be ordered by a court of felony jurisdiction to a SC-ISF facility for no less than 45 days and no more than 120 days (120 days allows for completion of either the 90 or 45-day program plus a 30-day extension under specific circumstances). SC-ISFs offer two substance

abuse treatment tracks:

- 90-day Substance Abuse Cognitive Treatment Track; or
- 45-day Substance Abuse Relapse Treatment Track (for offenders who successfully completed a treatment-oriented CCF, contract residential, or SAFPF and have relapsed).

If the offender meets the eligibility requirements of this program, an SC-ISF Admission Packet should be completed and sent to TDCJ-CJAD. The ISF Coordinator in each jurisdiction's CSCD can provide further guidance regarding ISF policies and other procedures.

The ISF policy and procedures manual is also available through the TDCJ-CJAD publications website (see Appendix E for website address) under the title of SC-ISF Policies and Procedures for Community Supervision Placements.

6.7 Substance Abuse Felony Punishment Facility (SAFPF)

SAFPFs provide intensive substance abuse treatment in a secure setting for felony offenders (other than sex offenders) assessed as having severe substance dependence. The ideal offender for this program is one who has several arrests or a history of incarceration and whose circumstances are compounded by an unhealthy family environment and unemployment. Often, this option is applied as a direct sentence, condition, or modification of probation. SAFPFs are operated by TDCJ and are available to CSCDs when other, less intensive programs have been unsuccessful for offenders with substance abuse related issues. A number of options are available for SAFPF graduates who relapse. Contact the TDCJ-CJAD SAFPF Unit for more information.

The CSCD Community Continuum of Care (4Cs) programs were created as a TTC alternative, based on research that a certain proportion of individuals can benefit from outpatient rather than residential treatment upon leaving the SAFPF with supportive home plans. 4Cs programs provide the same number of treatment hours as the TTCs. The SAFPF participant is assessed individually to determine if he is likely to succeed in the 4Cs program. The availability of these programs varies by jurisdiction; local CSCDs can assist in determining specific resources that are available.

The SAFPF Coordinator in each jurisdiction's CSCD can also provide further guidance regarding SAFPF policies and programs.

Four Levels of SAFPF Continuum of Treatment

6 - 9 months	Therapeutic community program in a secure SAFPF.
3 months	Residential Transitional Treatment Center (TTC) program for offenders beginning to make the transition back to the community; or 4C program.
9 - 12 months	Outpatient treatment in the community.
3 - 6 months	relapse track to address relapse after completion of SAFPF

In order to complete all levels of the SAFPF program, offenders need 18 - 24 months remaining on their term of supervision.

6.8 Aftercare Treatment for Substance Abuse Populations

As the Continuum of Care for Substance Abuse Treatment indicates, aftercare treatment is essential to successfully changing offender behavior. An offender may be successful in a residential substance abuse program where movements and freedoms are limited and routine counseling for problem solving is readily accessible. An individualized aftercare treatment plan can provide the offender with a structured transition back into the community through both treatment and differential supervision (see Section 4.2). The importance of integrating aftercare treatment and supervision strategies cannot be overstated. Using a reduction of external controls coupled with continued substance counseling, in an aftercare treatment plan, can substantially increase offender success in community reentry reducing the likelihood of relapse and recidivism.

Chapter 7

Specialty Courts

Specialty courts include drug court programs, mental health court programs, veterans treatment court programs, and commercially sexually exploited persons court programs. Specialty courts have developed in response to specific offender populations that often have complex problems which are best addressed through direct judicial supervision. The success of the drug court models has led to the development of specialty courts (based on the drug court model) that address a number of other special populations, including DWI, mentally impaired, veterans, and progressive intervention-sanctions courts. Drug courts can serve both pre- and post adjudication offenders. A variety of state and federal funding sources are available for drug or specialty courts. A map and list of drug and specialty courts (as of July 2019) are available in Appendix D. Local CSCDs will be able to assist in finding specialty courts available in its jurisdiction.

Most programs have an initial period of tolerance for relapse and violations with moderate consequences, followed by a series of escalating interventions, treatment (based on the assessment/evaluation), reporting, and sanctions associated with program noncompliance. Incentives for successfully completing the program may include graduation ceremonies, dismissal of criminal charges, early release from supervision, reduced community service or supervision requirements, or deletion of charges from the participant's criminal record. Some defendants may be eligible for an Order of Non-Disclosure or an expunction. In most programs, offenders volunteer to participate in drug or other specialty courts with programs ranging in length from 12 to 18 months.

Pursuant to Government Code *Section 121.002*, a specialty court program may not operate until the judge, magistrate, or coordinator provides specified information to the criminal justice division of the governor's office. Once submitted and approved, the specialty court must continually comply with all programmatic best practices recommended by the Specialty Courts Advisory Council and approved by the Texas Judicial Council, and must report to the criminal justice division any information required by that division regarding the performance of the program. A specialty court program that fails to comply is not eligible to receive any state or federal grant funds administered by any state agency.

7.1 Drug Courts, Re-Entry Drug Courts, and DWI Courts

Drug courts were designed to provide court-supervised treatment and involve the use of progressive sanctions to enforce program compliance. The combination of judicial monitoring and supervised treatment can be more effective in reducing drug usage and crime than treatment or judicial sanctions alone. Drug courts incorporate monitoring by the drug court judge, intensive supervision by a CSO, frequent drug testing, and treatment.

Courts are prevented from entering orders of nondisclosure for defendants who successfully complete a drug court program if they were previously convicted of an offense listed in Texas Code of Criminal Procedure *Article 42A.054*, a sexually violent offense, as defined by Texas Code of Criminal Procedure *Article 62.001*, or if the defendant is convicted for any felony offense between the date on which the defendant successfully completed the program and the second anniversary of that date.

There are variations of drug courts:

- **Re-entry Drug Courts** are specialized drug courts that target drug offenders returning to the community from residential treatment programs.
- **DWI Courts** provide services to DWI offenders (deferred adjudication DWI offenders are not eligible). A defendant is not entitled to petition the court for an order of nondisclosure following successful completion of a drug court program if the defendant's entry into the program arose as the result of a conviction for an offense involving the operation of a motor vehicle while intoxicated. *Tex. Gov. Code § 123.001.*

Ten Key Components of Drug Courts[1]

1) Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2) Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3) Eligible participants are identified early and promptly placed in the drug court program.
4) Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5) Abstinence is monitored by frequent alcohol and other drug testing.
6) A coordinated strategy governs drug court responses to participants' compliance.
7) Ongoing judicial interaction with each drug court participant is essential.
8) Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9) Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10) Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

7.2 Mental Health Courts

Mental health courts are based on the drug court model of providing court-supervised treatment and the use of progressive sanctions to enforce program compliance. The incorporation of judicial monitoring, intensive supervision, mental health treatment, and medication compliance can be effective in stabilizing mentally impaired offenders.

7.3 Veterans Treatment Courts

Defendants are eligible to participate in a veterans treatment court program if the state's attorney consents and the trial court finds that the defendant is a veteran or current member of the United States armed forces, including the reserves, national guard, or state guard, (1) who suffers from a brain injury, mental illness, or mental disorder (including post-traumatic stress disorder) or was a victim of military sexual trauma that occurred during or resulted from the defendant's military service and affected the defendant's criminal conduct at issue in the case; or (2) whose participation in the program is likely to achieve the objective of ensuring public safety through rehabilitation of the veteran.

7.4 Commercially Sexually Exploited Persons Court Program

The commissioners court or the governing bodies of a municipality may establish a program to provide certain prostitution offenders access to information, counseling, and services regarding sex addiction, sexually transmitted diseases, mental health, and substance abuse. In counties with a population of more than 200,000, commissioners courts are required to establish a program and apply for funding if a municipality in the county has not established one. A defendant may only participate in the program if the state's attorney agrees to their client's participation; the court in which the criminal case is pending shall allow an eligible defendant to choose whether to participate in the program or otherwise proceed through the criminal justice system. *Acts 2013, 83rd Leg., R.S., Ch. 1167 § 1, 2013 Tex. Sess. Law Serv. 2896 (codified in Tex. Health & Safety Code §169A.002).*

7.5 Public Safety Employees Treatment Court Program

In 2017, the 85th Texas Legislature passed House Bill 3391, which states that the commissioners court of a county may establish a public safety employees treatment court program for certain public safety employees arrested for or charged with any misdemeanor or felony offense. A defendant's participation must be consented to by the state's attorney. The defendant must be a current or former public safety employee who suffers from a brain injury, mental illness, or mental disorder, including PTSD, that occurred during or resulted from the defendant's duties as a public safety employee and affected the defendant's criminal conduct.

7.6 Other Types of Specialty Courts

- **Domestic Violence Courts** are also based on the drug court model and integrate judicial monitoring, intensive supervision, and domestic violence treatment (see also BIPP in Chapter 4) to effectively address these defendants.
- **Progressive Intervention/Sanctions Courts** combine the progressive sanctions model and the drug court model to encourage the compliance of high-risk probationers who are at risk of failing community supervision due to violation of the terms of supervision.

Chapter 8

Transfer of Supervision

8.1 Interstate Transfers

Transfers between states are facilitated by the Texas Interstate Compact Office based on national interstate compact rules established by the Interstate Commission for Adult Offender Supervision (ICAOS). The Interstate Compact is an agreement between all fifty States, the District of Columbia, Puerto Rico, and the Virgin Islands. The Interstate Compact allows parole and community supervision offenders to be transferred and supervised in a state other than the state of conviction upon review and acceptance by the receiving state. Each compact member state or territory has one Commissioner with one vote. Together, the Commissioners make up the Interstate Commission and vote on Interstate Compact rules.

The purpose of the Interstate Compact is to promote public safety, protect victims' rights, and provide rules that control interstate offender movement, tracking, supervision, and rehabilitation. It also allows an offender to relocate to a community where there is a support system such as family and friends who will assist with offender rehabilitation. With more than 4.5 million adult offenders in the United States and at least 250,000 of these offenders moving between states, a critical need exists to monitor and track these offenders effectively and quickly. All member states must follow ICAOS rules. The rules adopted by the 53-member Commission to achieve the purposes of the Interstate Compact have the force of federal law, and supersede any state laws, practices, or policies that are inconsistent with these rules.

Managing offender populations has become increasingly complex. Texas probation and parole authorities must meet compliance requirements, track the location of offenders, transfer supervision authority, and return offenders to their sending jurisdictions when required by Compact rules. As part of a corrective action plan, Texas agreed to train or re-train all probation and parole officers across the state in the forms, functioning, and rules of Interstate Compact. Training began in the summer of 2007 and resulted in the training of nearly 6,600 officers by the end of August 2008. The effort was led by Texas Interstate Compact Office, but accomplished primarily through the training sections of the TDCJ-CJAD and TDCJ-Parole Division. Web-based training provided by Commission trainers and on-demand training modules also met the requirements of the plan. Because the rules are subject to amendment every two years, training will be required annually to keep officers, judges, prosecutors, and defense attorneys aware of updated rules and requirements. New community supervision officers (CSOs) are encouraged to review on-demand training modules offered at the ICAOS website within 180 days of hire, and they must successfully complete the modules before receiving access to the Interstate Compact Offender Tracking System (ICOTS). Lawyers and judges may also take six (6) on-demand training modules at the website for 1.5 hours of free Continuing Legal Education (CLE) credit. The current on-demand courses approved by the Texas State Bar expired June 3, 2012, and renewal of MCLE credit for the on demand courses has been applied for.

The rules for offender transfer and supervision are located at the ICAOS website (see Appendix E). Texas' membership and responsibilities as part of the Compact are found in *Texas Government Code, Chapter 510*.

Departments may not communicate directly with the probation or parole officers or the interstate compact office in any other sending or receiving state, except as permitted in ICOTS. A state's compact administrator or designated deputies are the only point of contact allowed for:

- the acceptance, rejection, or termination of supervision of an offender under the compact;
- the transfer, modification, or termination of supervision for an offender under the compact; and
- all written, electronic, and oral communication regarding an offender under the compact.

ICAOS Opinion 2-2008: Authority to Issue Travel Permits

The state of Texas requested from ICAOS "an advisory opinion pursuant to Rule 6.101 concerning the authority of its judges and probation or parole officers to permit certain offenders to travel outside of Texas who, by reason of the type of crime committed or the duration of the travel, are not eligible for transfer of supervision under the provisions of the ICAOS or ICAOS administrative rules." Further, Texas asked "…whether its offenders whose offenses otherwise qualify for transfer of supervision under the provisions of ICAOS rules may be permitted to travel out of state for a period of forty-five (45) days or less."

ICAOS issued its opinion on July 7, 2008, a summary of which is below. The entire opinion is available on the ICAOS website. www.interstatecompact.org/legal/advisoryopinions.aspx.

- **Ineligible misdemeanors:** Offenders who are not subject to ICAOS rules, depending on the terms and conditions of their sentences, may be permitted to move across state lines without the prior approval of the receiving state, and neither judges nor probation officers are prohibited by ICAOS from allowing such offenders to travel from Texas to another state. Ineligible misdemeanors include all misdemeanors, except those listed in Rule 2.105 as discussed below.
- **Occasional or temporary travel:** An offender who is not relocating but simply leaving the state of Texas for a period not to exceed 45 days for routine business travel, vacations, visits to family, medical appointments, and other such out-of-state travel normally undertaken in the activities of every day life is not subject to the ICAOS rules, other than notification in victim sensitive cases, even if otherwise eligible for transfer of supervision under the compact. Such an offender may be permitted to travel and both courts and probation and parole officers are authorized to issue travel permits to such offenders.

Eligibility Criteria for Interstate Transfer

An offender has no right to transfer supervision. At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state and the receiving state shall accept the transfer, if the offender:

- has more than 90 days or an indefinite period of supervision remaining at the time the request for transfer is sent;
- has a valid plan of supervision;
- is in substantial compliance with the terms of supervision in the sending state; and
- is a resident of the receiving state; or
  - has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and
  - can obtain employment in the receiving state or has a means of support (ICAOS Rule 3.101, Mandatory Transfer of Supervision).

The above criteria apply to all offenders with felony convictions and some with misdemeanor convictions. Not all offenders with misdemeanor convictions are eligible. According to ICAOS Rule 2.105, a misdemeanor offender whose sentence includes one year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer as specified in ICAOS Rule 3.101 have been satisfied; and the instant offense includes one or more of the following:

- an offense in which a person has incurred direct or threatened physical or psychological harm;

- an offense that involves the use or possession of a firearm;
- a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; or
- a sexual offense that requires the offender to register as a sex offender in the sending state.

Transfer requests for misdemeanors not listed above are not required, and it does not violate the Compact to allow offenders with misdemeanor convictions other than those listed here to relocate per advisory opinion 2-2008.

A transfer request may be submitted as a discretionary request for offenders who do not meet mandatory eligibility criteria. The officer making the application in the sending state must provide a detailed description of the plan of supervision. This plan should explain to the receiving state why the offender will be more successful in the receiving state than in the sending state.

Reporting Instructions

Officers must use ICOTS to enter a new request for reporting instructions and transfer request to transfer a case. ICOTS is a national database that all Compact member states are required to use according to the rules of the Commission for the transfer and supervision of all interstate compact cases. Generally, a state has 45 days from the date of receipt of a transfer request to investigate a case and submit a reply to the transfer request that accepts or rejects a case for supervision. An offender who is eligible for transfer under the Compact shall not proceed to another state without acceptance of the case for supervision or approved reporting instructions (the orders given to an offender by a sending or receiving state directing the offender to report to a designated person or place at a specified date and time in another state), with one exception: offenders living in the receiving state at the time of sentencing. These offenders may be issued a seven (7) day travel permit pending the issuance of reporting instructions or acceptance of the transfer request by the receiving state. When the reporting instructions are received, the officer must contact the offender to tell the offender when and where to report. The complete transfer request must be submitted within 15 days of the approval of the reporting instructions.

There are additional exceptions to the 45-day general rule, but these offenders may not be issued a seven (7) day travel permit before the reporting instructions are approved. The receiving state must respond to a request for reporting instructions within two (2) business days of receipt or within five (5) business days of receipt for offenders with registrable sex offenses.

The following offenders are eligible for reporting instructions:

- offenders who are members of the military or their dependents who have been deployed to another state;
- offenders who meet mandatory eligibility criteria who reside with a family member who was transferred to another state by their full-time employer as a condition of maintaining employment;

- offenders on supervision who wish to return to the sending state; and
- emergencies (the receiving state has to agree that there is an emergency).

Victim Notification

In "victim sensitive" cases, both the sending and receiving state are required to notify known victims in their respective states of the offender's transfer in accordance with their own laws or procedures within one (1) business day of the issuance of reporting instructions or acceptance. In addition victims are required to be notified due to an offender's change in status if the offender commits a significant violation; changes addresses; returns to the sending state where an offender's victim resides; departs the receiving state under an approved plan of supervision in a subsequent receiving state; or is issued a temporary travel permit.

"Victim Sensitive" is defined by Interstate Commission rules as a designation made by the sending state in accordance with its definition of "crime victim" under the statutes governing the rights of crime victims in the sending state. The sending state shall also inform the victims of their rights to be heard and comment regarding their concerns about the transfer. Victims have the right to contact the sending state's compact office. Victim notification will be addressed by interstate compact in conjunction with TDCJ-Victim Services or county victim services coordinators.

Legal Authority for the Transfer of Supervision within the State of Texas	
Change of Residence to another CSCD in Texas	*TCCP Article 42A.153*
Courtesy Supervision	*TAC § 163.35(c)(8)*

8.2 Mandatory Retaking of Offenders

The Commission rules have definitions and timeframes that are unique to mandatory retaking and can be found at http://www.interstatecompact.org/icaos-rules:

- Behavior requiring retaking means an act or pattern of non-compliance with conditions of supervision that could not be successfully addressed through the use of documented corrective action or graduated responses and would result in a request for revocation of supervision in the receiving state. A violation report must be submitted within 30 days from discovery or 30 days from termination A sending state has 10 business days to respond to a report of violation.
- Retaking is the act of a sending state in physically removing an offender, or causing to have an offender removed, from a receiving state. The only way an offender can be returned to the sending state under the Compact is if he originally left the sending state through a transfer under the Compact.

- Extradition is the return of a fugitive to a state in which the offender is accused, or has been convicted of, committing a criminal offense, by order of the governor of the state to which the fugitive has fled to evade justice or escape prosecution. Offenders sign "waiver of extradition" prior to transferring or leaving the state under the compact as part of their application. Compact offenders are not entitled to an extradition hearing. Fugitives are to be returned under the extradition clause of the U. S. Constitution.

Mandatory Retaking for Violation of Conditions of Supervision

Upon the request of the receiving state and documentation that the offender's behavior requires retaking, the offender shall be retaken or ordered to return from a sending state or a subsequent receiving state. If an offender who was ordered to return fails to return as ordered, an NCIC warrant shall be issued no later than 10 calendar days following the failure to appear. ICAOS Rule 5.103, *Mandatory retaking for violation of conditions of supervision*.

Mandatory Retaking for a New Felony Conviction or Conviction of a Violent Crime

Upon the request of the receiving state, a sending state shall retake an offender from the receiving state or a subsequent receiving state upon conviction for a new felony offense and completion of a term of incarceration for that conviction or placement under supervision for that felony offense. A warrant and detainer shall be filed with the holding facility when the offender is in custody. ICAOS Rule 5.102, *Mandatory retaking for a new felony conviction*. Offenders with a subsequent criminal offense in the receiving state may not be retaken without the consent of the receiving state, or until criminal charges have been dismissed, sentence has been satisfied, or the offender has been released to supervision for the subsequent offense. ICAOS Rule 5.101, *Retaking by the sending state*.

Mandatory Retaking for Offenders Who Abscond

Upon receipt of an absconder violation report and case closure from the receiving state, the receiving state shall issue a warrant and a detainer shall be filed with the holding facility when the offender is in custody. If the absconder is arrested in the receiving state, the sending state shall request that the receiving state conduct a probable cause hearing. If probable cause is found, the sending state shall retake the offender. If probable cause is not found the receiving state shall resume supervision upon request. The warrant and detainer must remain in place until the offender is retaken or supervision is resumed. ICAOS Rule 5.103-1, *Mandatory retaking for offenders who abscond*.

NCIC Warrant

For purposes of out-of-state offenders, "warrant" is defined as a written order of the court or authorities of a sending or receiving state…which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius.

When retaking is required under the Compact, a TCIC or limited jurisdiction warrant does not comply with the rules.

There has been an expressed concern regarding the costs of retaking an offender and reportedly there may have been some refusals by prosecuting attorneys or sheriffs offices to retake an offender due to the costs involved.

It appears allowable to charge a retaking/extradition or application fee that will cover retaking costs prior to the transfer, with a return of the fee to the offender if they successfully complete supervision. Some states and counties in Texas are currently charging a retaking/extradition or application fee, and there is no known legal authority at this time that prohibits this practice. ICAOS Rule 4.107 *Fees* states, "A sending state may impose a fee for each transfer application prepared for an offender." An application fee is defined as, ". . . a reasonable sum of money charged an interstate compact offender by the sending state for each application for transfer prepared by the sending state." *www.interstatecompact.org/step-by-step/chapter/1/rule-1-101*

Probable Cause Hearings

An interstate offender subject to re-taking for a violation of conditions of supervision that may result in a revocation shall be given an opportunity for a probable cause hearing in the receiving state consistent with due process. *Morrissey v. Brewer*, 408 U.S. 471 (1972), and *Gagnon v. Scarpelli*, 411 U.S. 778 (1973)

An offender may not waive a hearing unless he has signed an admission to one or more significant violations of the terms or conditions of supervision. A copy of a judgment of conviction for a new felony offense shall be deemed conclusive proof that an offender may be retaken by the sending state without the need for further proceedings. The preliminary hearing report shall be submitted to the sending state within 10 business days of the hearing. If probable cause is established, the receiving state shall hold the offender in custody and the sending state shall notify the receiving state within 15 days of receipt of the preliminary hearing report of the decision to retake or other action to be taken. If probable cause is not established, the receiving state shall continue supervision if the offender is not in custody; notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant. Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody. (CAOS Rule 5.108, *Probable cause hearing in receiving state*.)

Rule 5.111 Denial of Bail or Other Release Conditions To Certain Offenders

An offender against whom retaking procedures have been instituted by a sending or receiving state shall not be admitted to bail or other release conditions in any state.

At the March 6, 2012 meeting of the Interstate Commission for Adult Offender Supervision Compliance Committee, the Committee reviewed and made decisions in connection with the case of Richard Beasley. Beasley known as the "Craig's List Killer" was on supervision in Ohio for Texas parole. Beasley was released in Ohio by a visiting judge on bond despite a pending TX parole warrant and three pending felonies in Ohio. After release, the offender stopped reporting and is accused of the murder of three people and seriously injuring another with a sixteen- year-old-accomplice. At the request of the Commission, both Texas and Ohio submitted copies of their investigations. Ohio's investigation was completed by a Judge and included an action plan that involved recommendations that the jail be notified in writing that offenders on out- of -state warrants are not subject to bond and training on the anomaly of no-bond warrants in interstate compact cases for judges and jail administrators in Ohio. As a result of the release of this offender, the Compliance Committee found Ohio in default of the Compact in regard to Rule 5.111 and accepted their action plan. The Committee found that there were no compliance issues with Texas regarding the Beasley case.

Not only is Texas obligated to issue a warrant for violations, but it is also mandated to issue warrants for an offender living in the receiving state at sentencing who fails to return to Texas within 15 calendar days after rejection or if Texas fails to submit a complete transfer request within 7 calendar days of approved reporting instructions based on an emergency or 15 days of approved reporting instructions for offenders returning after sentencing. The offenders under these circumstances are to be directed to return to the sending state within 15 calendar days of the rejection or failure to send a transfer request. If the offender does not return as ordered, an NCIC warrant with a nationwide pick-up must be issued no later than 10 calendar days following the offender's failure to appear in the sending state. ICAOS Rules 3.103, *Reporting instructions; offender living in the receiving state at the time of sentencing; Rule 3.106, Request for expedited reporting instructions*.

If an offender request to return to the sending state, the receiving state cannot just let him go back. Reporting instructions must be requested and granted by the sending state.

8.3 Intrastate Transfers

Judges have the option of either (1) allowing a defendant to be supervised by another CSCD of geographical jurisdiction where the offender resides, or (2) transferring original jurisdiction to a court of the same rank having geographical jurisdiction where the defendant resides or where a violation of the conditions of supervision has occurred. Most courts grant consent for a defendant to be supervised by a CSCD where the defendant resides without the transfer of original jurisdiction, a procedure commonly referred to as Courtesy Supervision.

TDCJ-CJAD Standards include the following requirements for courtesy supervision:

- Offenders who work or reside in another jurisdiction for more than 30 days must be supervised by the CSCD in the jurisdiction in which the defendant resides, unless the CSCDs involved agree that there is good cause for the original jurisdiction to maintain supervision.
- CSOs providing direct supervision to offenders transferred from other Texas jurisdictions are required to fully enforce the order of the court that placed the offender on community supervision.
- Only the court retaining jurisdiction over an offender has the authority to modify or alter a condition of community supervision.
- CSCDs are to provide the same level of supervision to courtesy cases as provided for the cases originating in that jurisdiction.
- The court retaining jurisdiction over an offender may also order the offender to report to the original jurisdiction as well as the jurisdiction where the offender resides and/or works.

Texas Administrative Code § 163.35(c)(8)

A number of courts provide a blanket approval for offenders to return to their place of residence in Texas under these rules.

Geographical Jurisdiction

The judges with geographical jurisdiction where a defendant resides or where a violation of the conditions of supervision occurs has the authority to arrest and detain an offender for violations of the conditions of supervision, with the determination as to revocation remaining with the original jurisdiction court. *Tex. Code Crim. Proc. § 42A.152*

County to County Transfer of Interstate Cases

The Texas Interstate Compact Office must be notified by the sending and receiving counties if an offender is accepted for supervision and request to transfer supervision to another county after TX accepted supervision of the case. The receiving county becomes responsible for monitoring supervision, after acceptance. If the original transfer request states that the defendant is not to move without prior permission of the sending state, the sending state must be advised of the Offender's request. If the sending state does not have any objections to the offender's request, the offender's supervision may be transferred to another county. A sending county shall continue to supervise offender until the case is accepted by the receiving county. A Case Closure Notice shall not be submitted for Intrastate Transfers on offenders whose sentence has not discharged.

Appendices

Appendix A: Chapter References and Suggested Reading 88

Appendix B: CCFs by Administrative Judicial Region 91

Appendix C: Treatment Alternatives to Incarceration Program Availability 103

Appendix D: Active Specialty Courts 104

Appendix E: Additional Resources 114

Appendix A: Chapter References and Suggested Reading

Chapter 1

[1] *"Evidence-Based Practices in Corrections,"* TDCJ-CJAD Presentation to the Texas Board of Criminal Justice, Community Corrections Committee, December 2, 2008.

[2] *"Implementing Evidence-Based Practices in Community Corrections: The Principles of Effective Intervention,"* National Institute of Corrections / Crime and Justice Institute, April 30, 2004, <https://nicic.gov/implementing-evidence-based-practice-community-corrections-principles-effective-intervention>.

[3] *"Ten Strategies to Sustaining More Effective Practices in a Probation Department,"* Council of State Governments - Justice Center, March, 2009.

[4] D. A. Andrews et al., *"The Recent Past and Near Future of Risk and/or Need Assessment," Crime and Delinquency,* Vol. 52, No. 1, January 2006, pp. 7-27.

Suggested Reading

"Improving Outcomes for People with Mental Illnesses Under Community Corrections Supervision: A Guide to Research-Informed Policy and Practice," Council of State Governments, Justice Center, 2009.

"Evidence-Based Practices: A Framework for Sentencing Policy," Crime and Justice Center, November 2006.

"One in 31: The Long Reach of American Corrections," The Pew Center on the States, March 2009.

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"The Principles of Effective Interventions," University of Cincinnati Corrections Institute, 2004.

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"What Works and What Doesn't in Reducing Recidivism: The Principle Effective Intervention," Edward Latessa, Ph.D., no date.

"Evidence-based Practices Resources Guide (website)," National Institute of Corrections. This website provides links to resources about evidence-based practices. https://nicic.gov/evidence-based-practices-ebp

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"Evidence-Based Practices (website)," United State Courts. This website provides links to resources about evidence-based practices. https://www.uscourts.gov/probation-journal-topic/evidence-based-practices.

"Evidence-Based Strategies for Working with Offenders," Center for Court Innovation, April 2014. http://www.courtinnovation.org/sites/default/files/documents/Evid%20Based%20Strategies.pdf.

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"Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciaries," National Center for State Courts, Crime and Justice Institute, National Institute of Corrections. August 2007. https://cdm16501.contentdm.oclc.org/digital/collection/criminal/id/167.

"Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds," TDCJ-CJAD, December 1, 2019.

Chapter 2

[1] See, e.g., TEX. GOV'T CODE §§ 54.745 (As a condition for a defendant to enter any pretrial diversion program or the functional equivalent that may be operated in El Paso County by the West Texas Regional Adult Probation Department or a county or district attorney of El Paso County, a defendant must file in the court in which the charges are pending a sworn waiver of speedy trial motion…"); 76.011(a) (community supervision and corrections "department may operate programs for the supervision and rehabilitation of persons in pretrial intervention programs"); TEX. CODE CRIM. PROC. Arts. 60.051(c)(3) ("Information in the computerized criminal history system relating to a prosecution must include . . . for a rejected case, the date of rejection, offense code, and incident number, and whether the rejection is a result of a successful pretrial diversion program."); 102.012 (pretrial intervention program fee). TEX. HEALTH AND SAFETY CODE §614.001 ("Continuity of care

and services refers to the process of…coordinating the provision of treatment, care, and services between the various agencies who provide treatment, care, or services such that they may continue to be provided to the offender …for pretrial diversion.")

[2] There are two versions of Article42A.515, the other one replies to the offense of leaving the scene of a car accident that resulted in the death of another person.

[3] Transportation Code Section 708.158 was repealed by HB 2048. However, in that same bill, Section 709.001 was amended to add provisions regarding indigency. Those provisions are identical to those in Section 708.158. If necessary, then, Section 709.001 should be used to determine indigency for purposes of the installation of the interlock ignition device.

Chapter 4

[1] "*Improving Outcomes for People with Mental Illnesses under Community Corrections Supervision: A Guide to Research-Informed Policy and Practice.*" Council of State Governments-Justice Center, 2009.

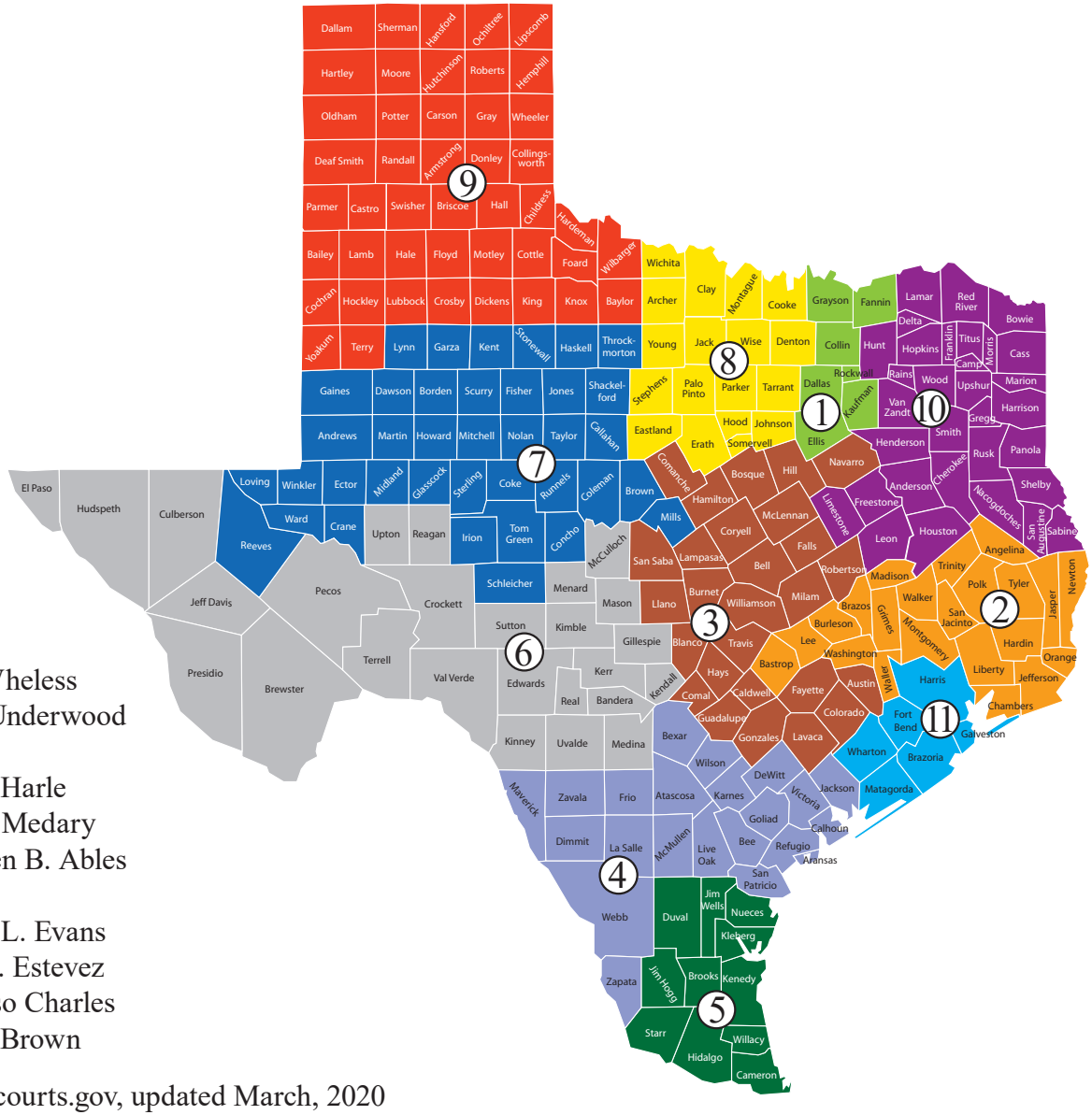
[2] *"Outcome Evaluation of Mental Health Initiative."* TDCJ-CJAD, May 2005.

Chapter 7

[1] *"Defining Drug Courts: The Key Components,"* U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, January, 1997, <http://www.ncjrs.gov/pdffiles1/bja/205621.pdf>.

Appendix B: CCFs by Administrative Judicial Region

Administrative Judicial Regions



Presiding Judges

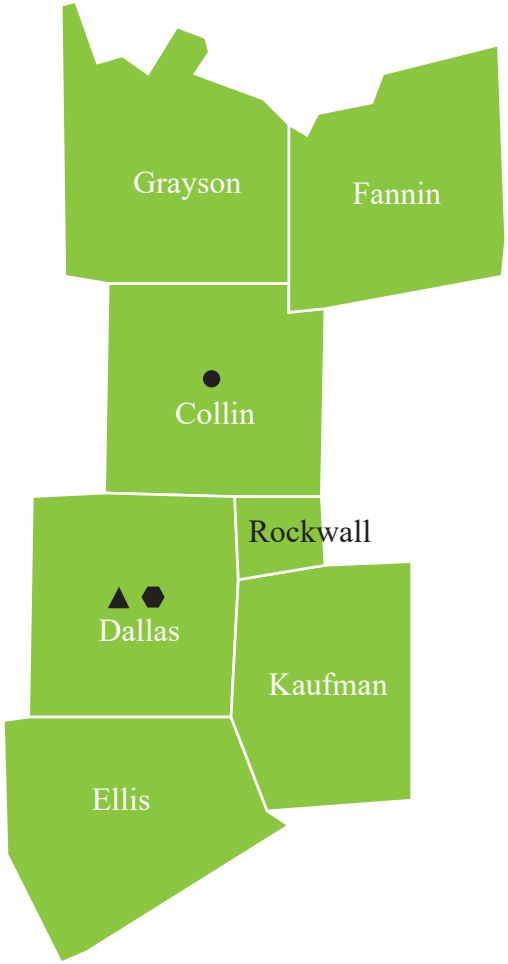
- One: Judge Ray Wheless
- Two: Judge Olen Underwood
- Three: Vacant
- Four: Judge Sid L. Harle
- Five: Judge Missy Medary
- Six: Judge Stephen B. Ables
- Seven: Vacant
- Eight: Judge David L. Evans
- Nine: Judge Ana E. Estevez
- Ten: Judge Alfonso Charles
- Eleven: Judge Susan Brown

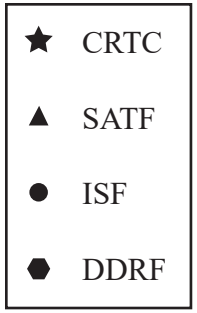
Source: www.txcourts.gov, updated March, 2020

Judicial Region One

ISF (Collin County)
10 Female; 36 Male
4800 Community Blvd.
McKinney, TX 75071
T: (972) 547-3661
F: (972) 547-5795

SATF/DDRF (Dallas County)
SATF: 80 Female; 160 Male
DDRF: 30 Female; 30 Male
200 Greene Road
Lancaster, TX 75146
T: (972) 441-4274
F: (972) 441-6310

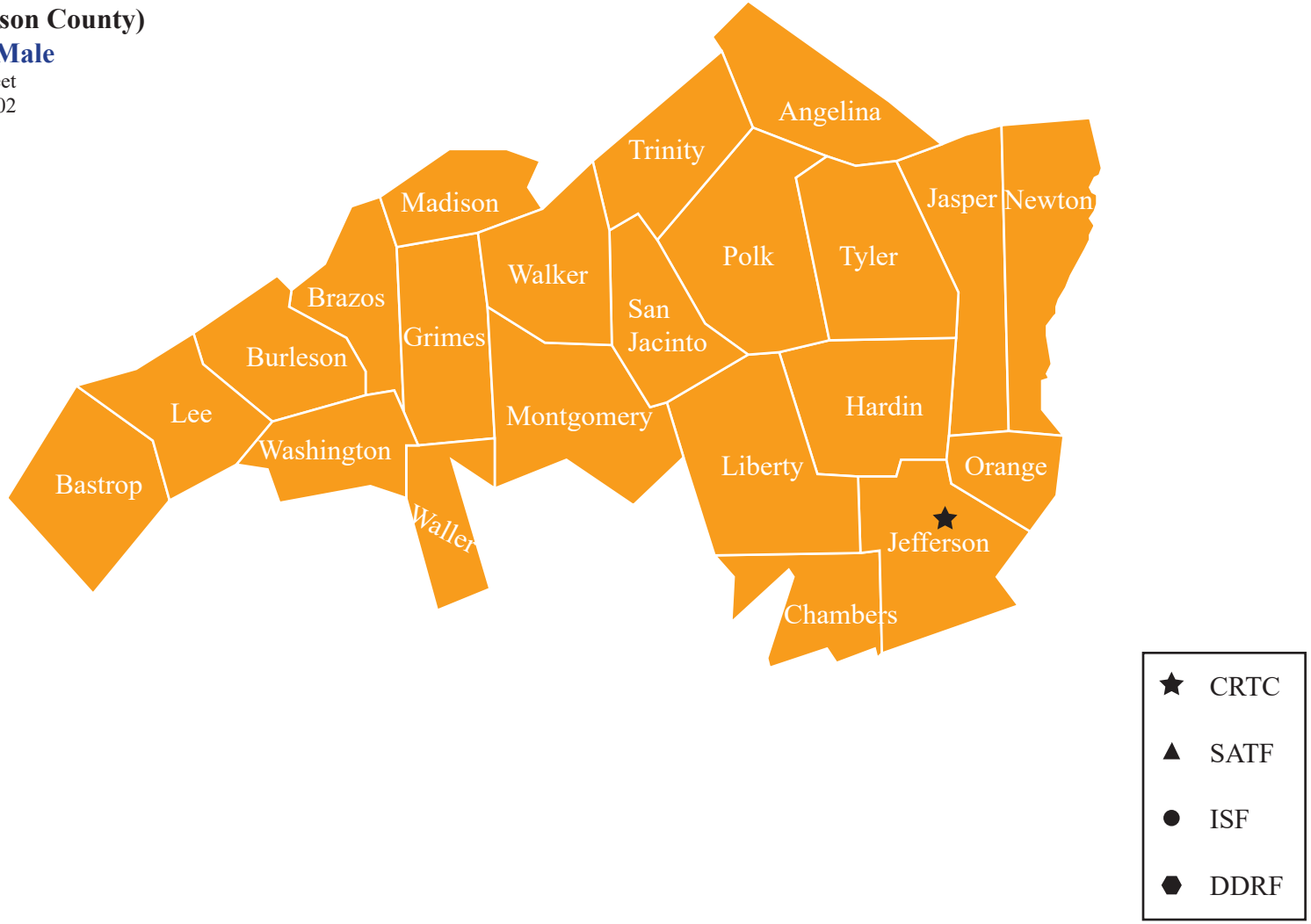




Individuals may be placed in any facility statewide if space is available and the offender meets admission criteria.

Judicial Region Two

CRTC (Jefferson County)
60 Female; 0 Male
145 South 11th Street
Beaumont, TX 77702
T: (409) 434-5470
F: (409) 832-3855



Individuals may be placed in any facility statewide if space is available and the offender meets admission criteria.

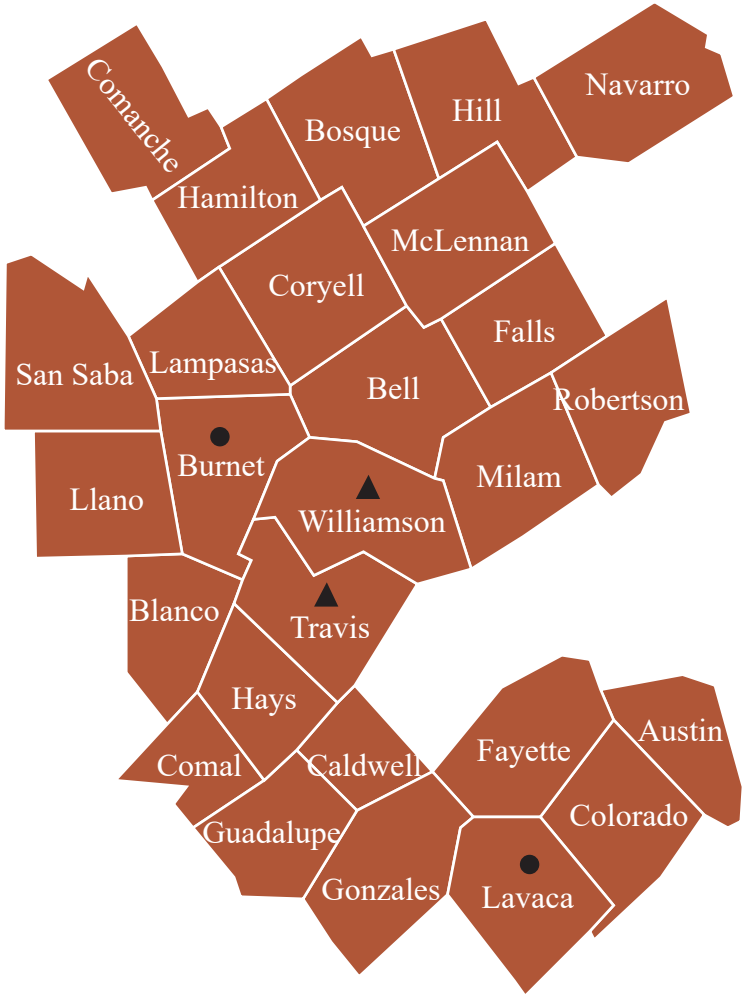
Judicial Region Three

ISF (Burnet County)
0 Female; 54 Male
501 Coke St.
Burnet, TX 78611
T: (512) 756-7628
F: (512) 756-7465

ISF (Lavaca County)
0 Female; 60 Male
4024 FM 794
Gonzales, TX 78629
T: (830) 672-3622
F: (830) 672-3071

SATF (Travis County)
30 Female; 86 Male
3404 South FM 973
Del Valle, TX 78617
T: (512) 854-3130
F: (512) 247-5567

SATF (Williamson County)
32 Female; 68 Male
601 N. Alligator Rd.
Granger, TX 76530
T: (512) 943-1211
F: (512) 943-1210



★ CRTC
▲ SATF
● ISF
⬢ DDRF

Individuals may be placed in any facility statewide if space is available and the offender meets admission criteria.

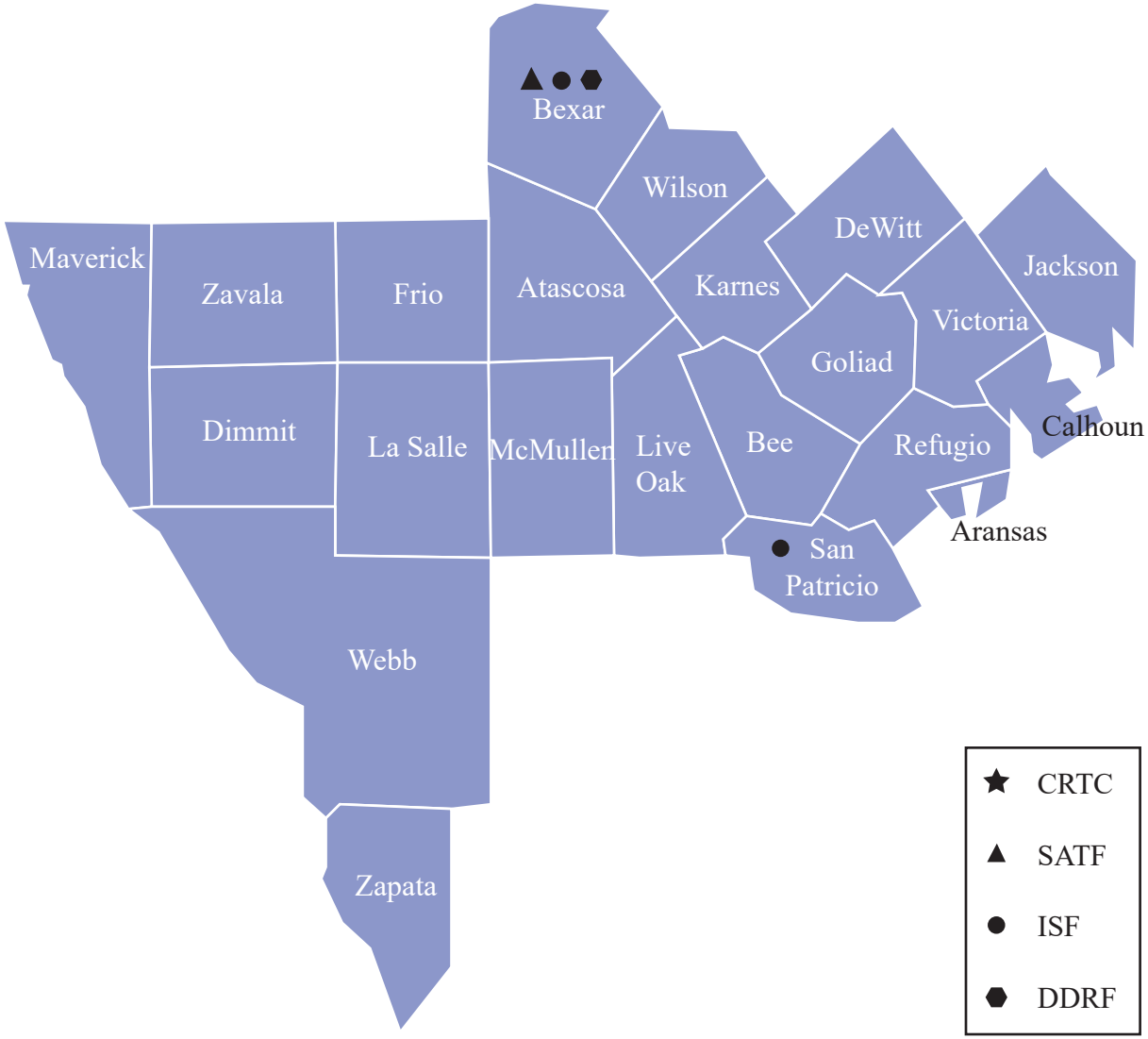
Judicial Region Four

SATF-3 (Bexar County)
50 Female; 150 Male
10975 Applewhite Road
San Antonio, TX 78224
T: (210) 631-0311
F: (210) 628-1766

ISF (Bexar County)
0 Female; 40 Male
10975-A Applewhite Road
San Antonio, TX 78224
T: (210) 631-0265
F: (210) 628-1766

DDRF (Bexar County)
30 Female; 30 Male
10975 Applewhite Road
San Antonio, TX 78224
T: (210) 631-0311
F: (210) 631-0319

ISF (San Patricio County)
12 Female; 58 Male
800 North Vineyard
Sinton, TX 78387
T: (361) 364-4323
F: (361) 364-2768



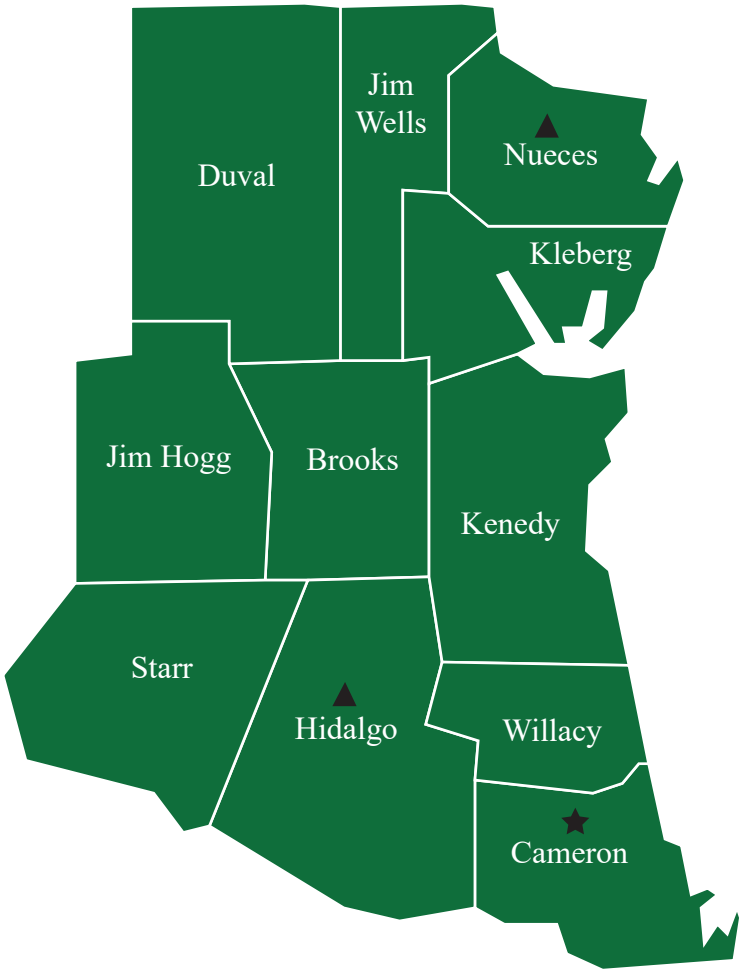
Individuals may be placed in any facility statewide if space is available and the offender meets admission criteria.

Judicial Region Five

CRTC (Cameron County)
0 Female; 55 Male
531 South Iowa Avenue
Brownsville, TX 78520
T: (956) 546-4017
F: (956) 574-8170

SATF (Hidalgo County)
12 Female; 84 Male
P.O. Box 1109
Edinburg, TX 78540
T: (956) 318-2920
F: (956) 380-3324

SATF (Nueces County)
24 Female; 80 Male
745 North Padre Island Drive
Corpus Christi, TX 78406
T: (361) 289-4242
F: (361) 289-4286



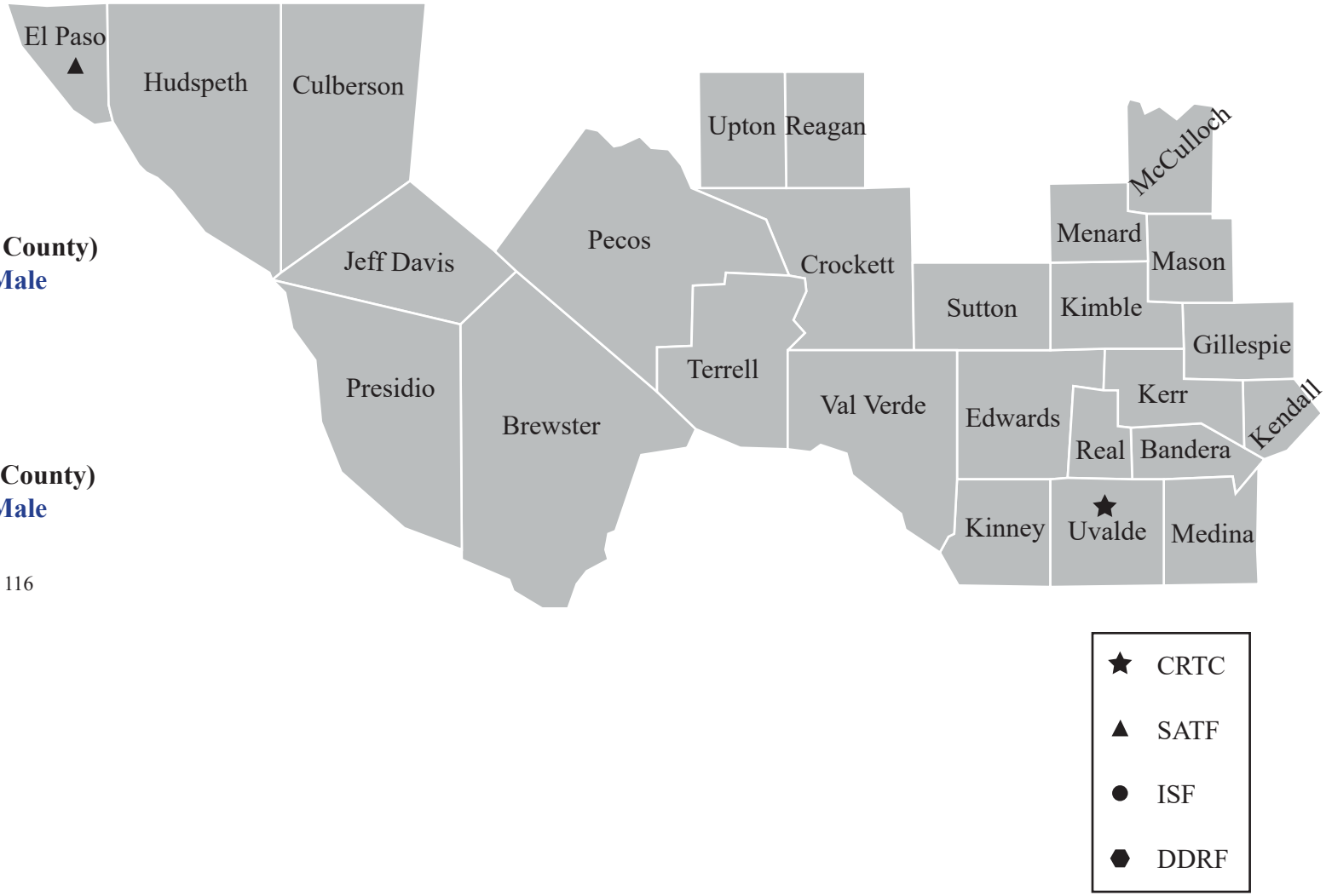
★ CRTC
▲ SATF
● ISF
⬢ DDRF

Individuals may be placed in any facility statewide if space is available and the offender meets admission criteria.

Judicial Region Six

SATF (El Paso County)
30 Female; 90 Male
3700 Mattox Street
El Paso, TX 79925
T: (915) 772-8537
F: (915) 775-2491

CRTC (Uvalde County)
30 Female; 80 Male
401 East Front Street
Uvalde, TX 78801
T: (830) 278-1168 ext 116
F: (830) 278-4071



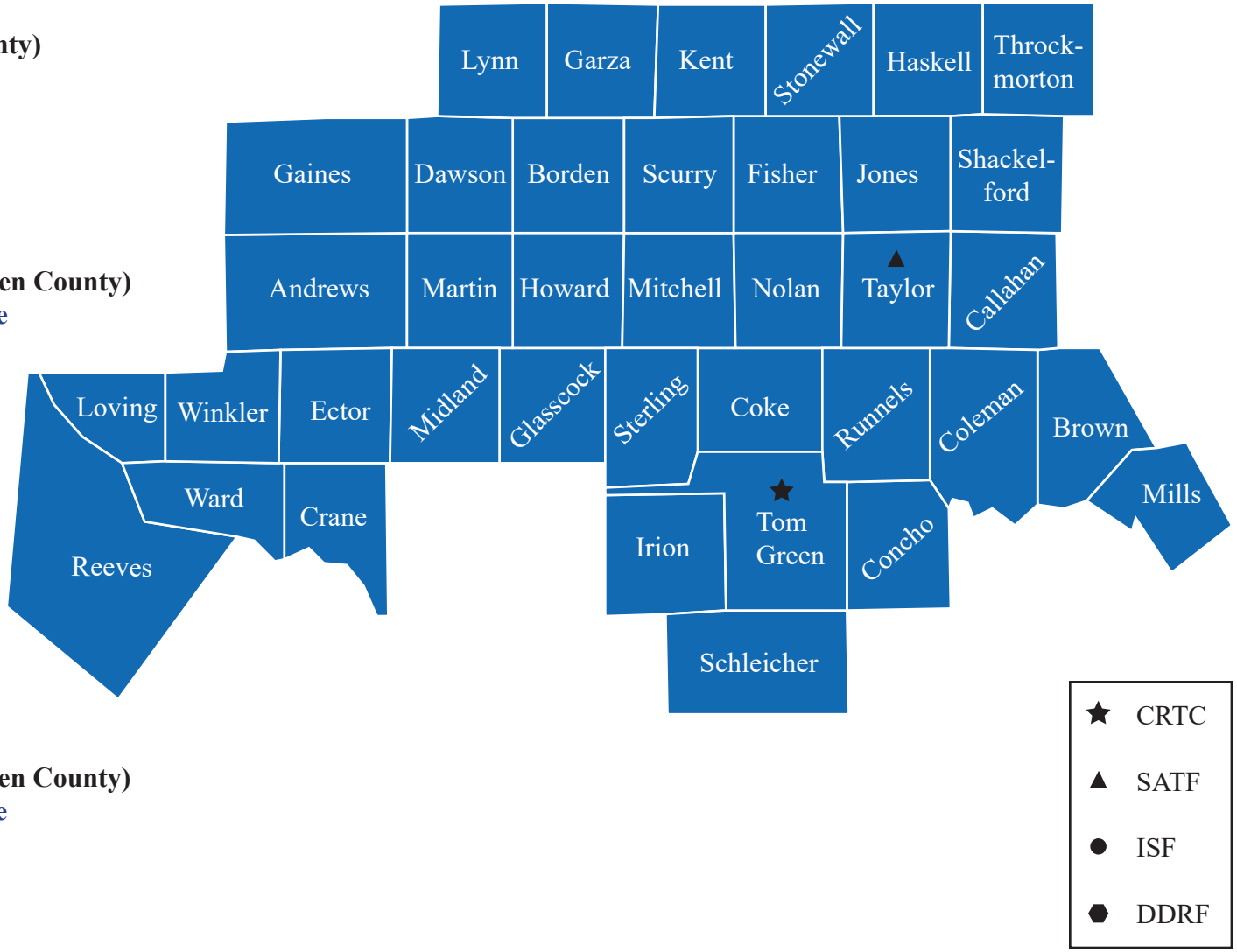
Individuals may be placed in any facility statewide if space is available and the offender meets admission criteria.

Judicial Region Seven

SATF (Taylor County)
0 Female; 60 Male
1133 S. 27th Street
Abilene, TX 79605
T: (325) 691-7407
F: (325) 691-7470

CRTC-1 (Tom Green County)
0 Female; 108 Male
3262 North Hwy 277
San Angelo, TX 76905
T: (325) 486-1868
F: (325) 486-8609

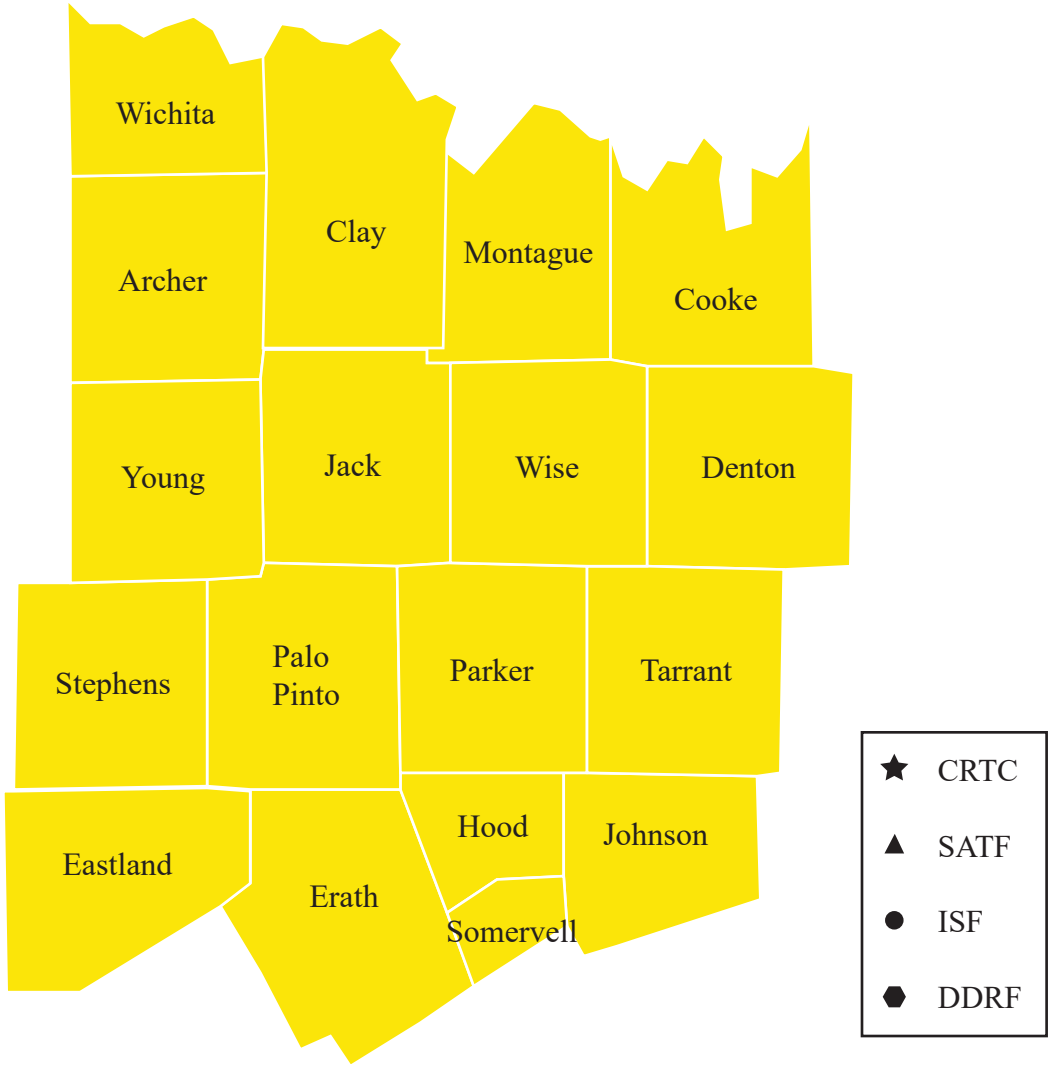
CRTC-2 (Tom Green County)
137 Female; 0 Male
3398 McGill Blvd.
San Angelo, TX 76905
T: (325) 655-7585
F: (325) 657-8485



Individuals may be placed in any facility statewide if space is available and the offender meets admission criteria.

Judicial Region Eight

No Residential Facilities in Region Eight

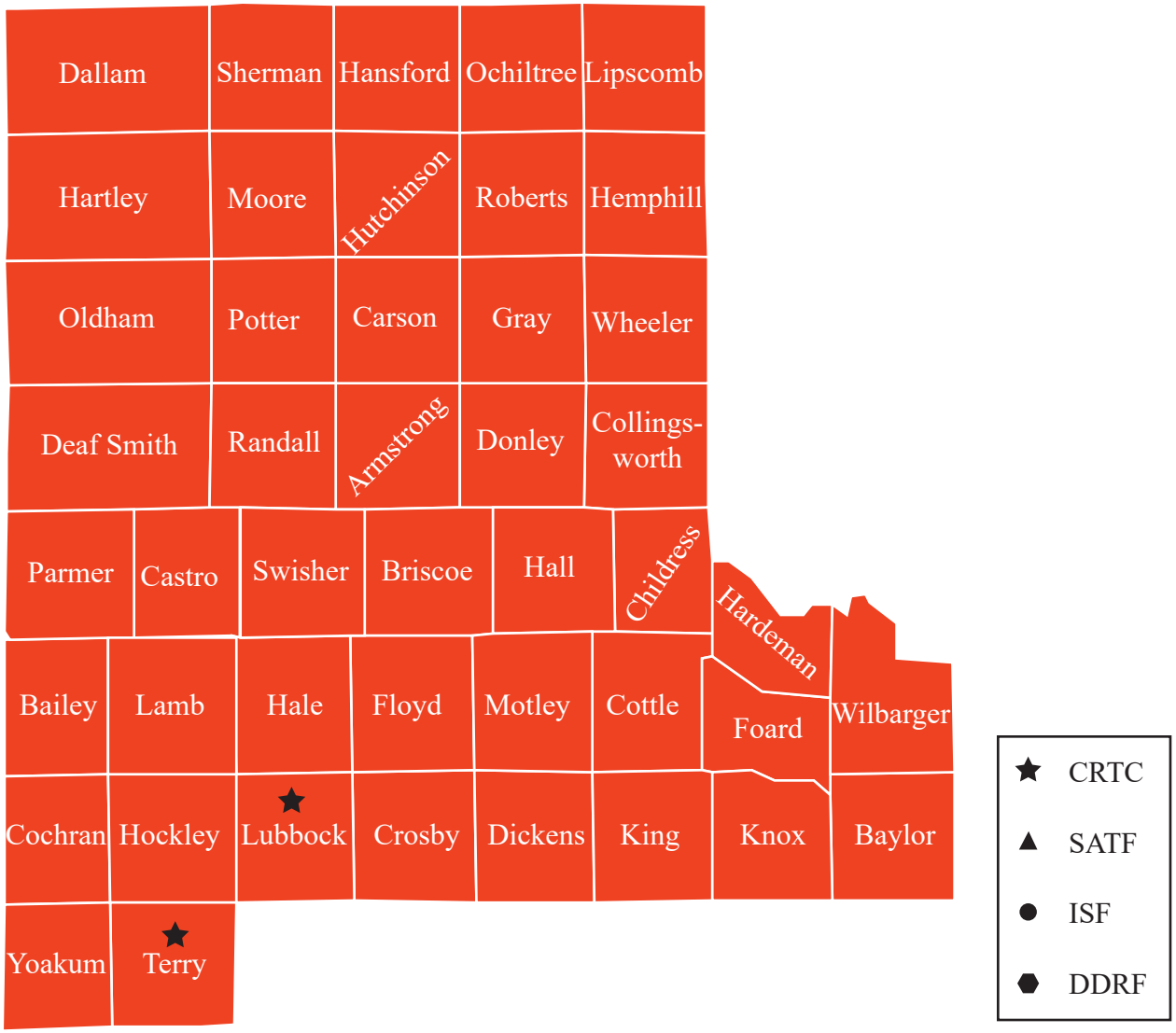


Individuals may be placed in any facility statewide if space is available and the offender meets admission criteria.

Judicial Region Nine

CRTC (Lubbock County)
Takes dual diagnosis residents.
0 Female; 164 Male
3501 N. Holly Avenue
Lubbock, TX 79403
T: (806) 765-3395
F: (806) 765-3399

CRTC (Terry County)
0 Female; 45 Male
613 E. Bynum
Brownfield, TX 79316
T: (806) 637-6677
F: (806) 637-2136

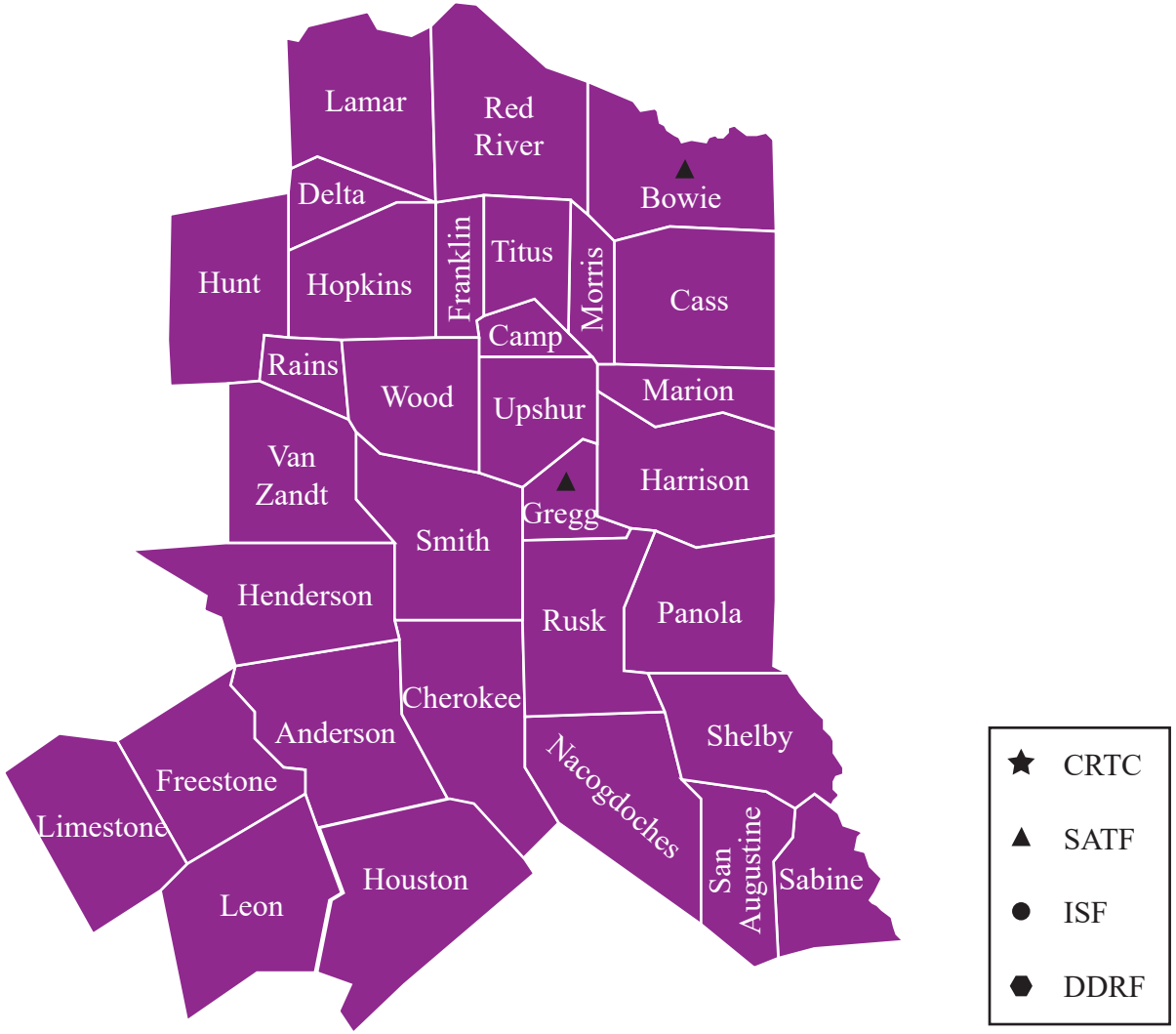


Individuals may be placed in any facility statewide if space is available and the offender meets admission criteria.

Judicial Region Ten

SATF (Bowie County)
100 Female; 0 Male
141 Plaza West Road
Texarkana, TX 75501
T: (903) 832-2100
F: (903) 832-2158

SATF (Gregg County)
0 Female; 52 Male
523 South Suncamp Rd.
White Oak, TX 75693
T: (903) 759-5615
F: (903) 759-0967



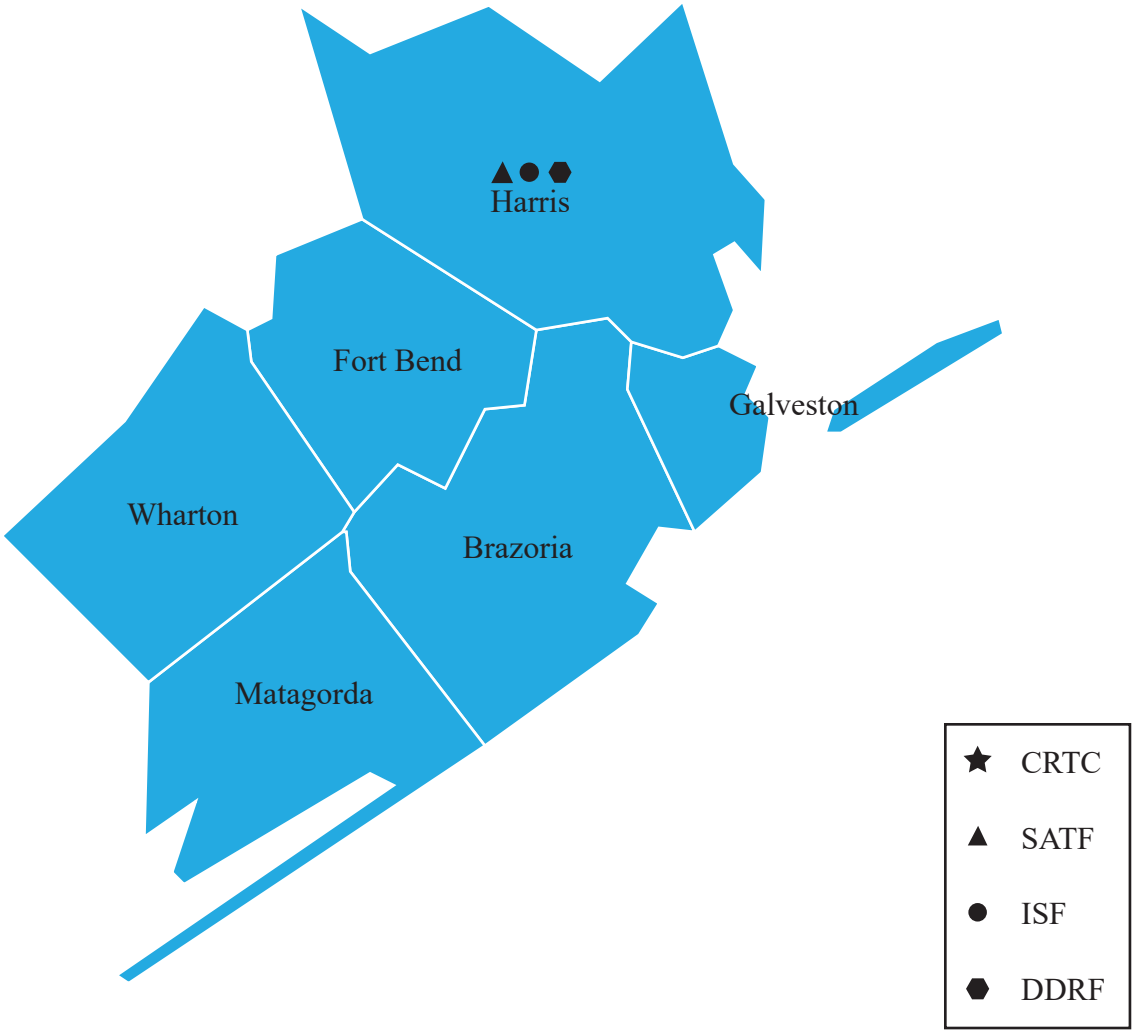
Individuals may be placed in any facility statewide if space is available and the offender meets admission criteria.

Judicial Region Eleven

ISF (Harris County)
0 Female; 225 Male
2310½ Atascocita Road
Humble, TX 77396
T: (281) 459-8009
F: (281) 459-8085

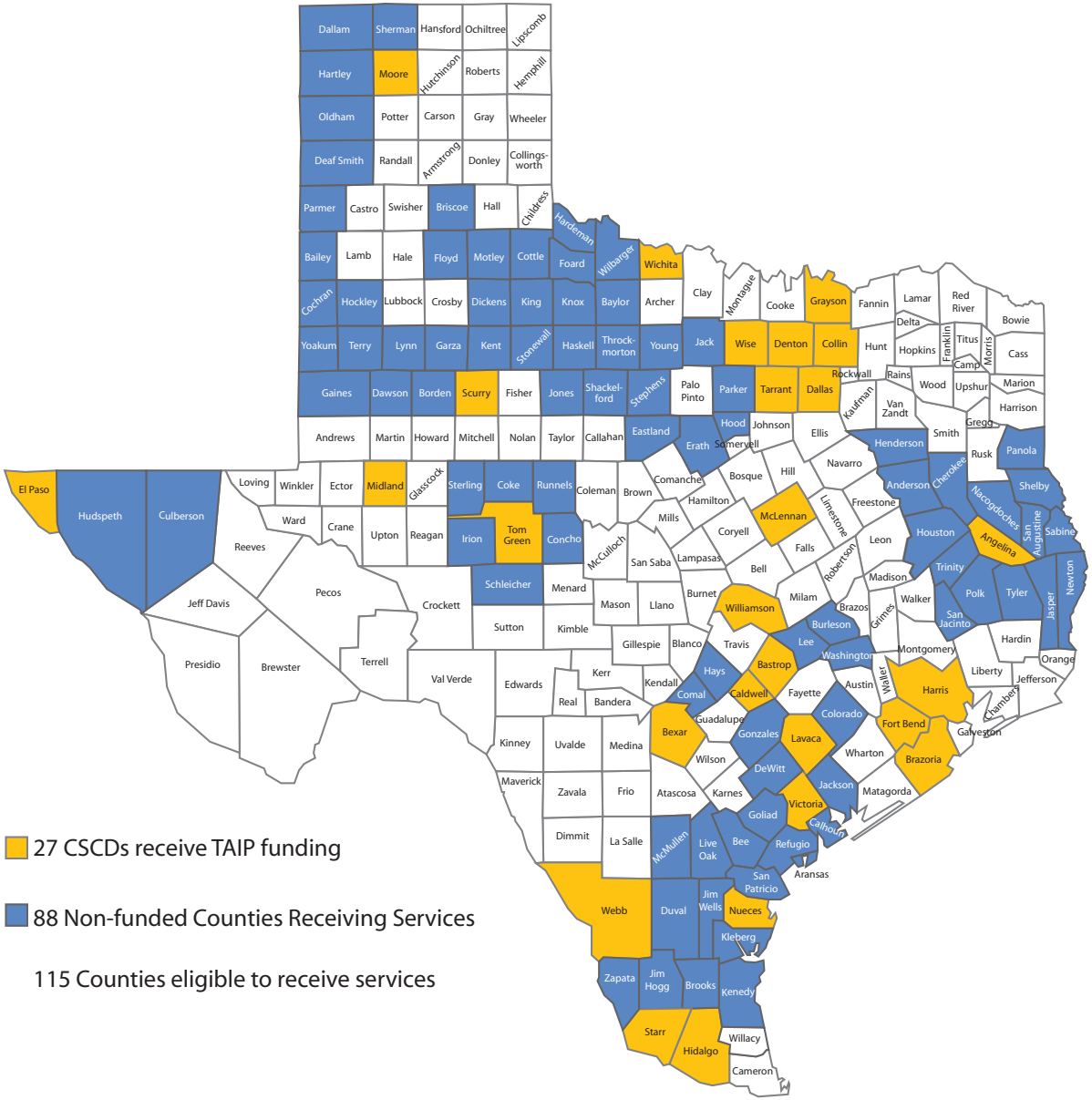
DDRF (Harris County)
30 Female; 30 Male
2310½ Atascocita Road
Humble, TX 77396
T: (281) 459-8066
F: (281) 459-8079

SATF-9 (Harris County)
121 Female; 224 Male
2310½ Atascocita Road
Humble, TX 77396
T: (281) 459-8009
F: (281) 459-8079



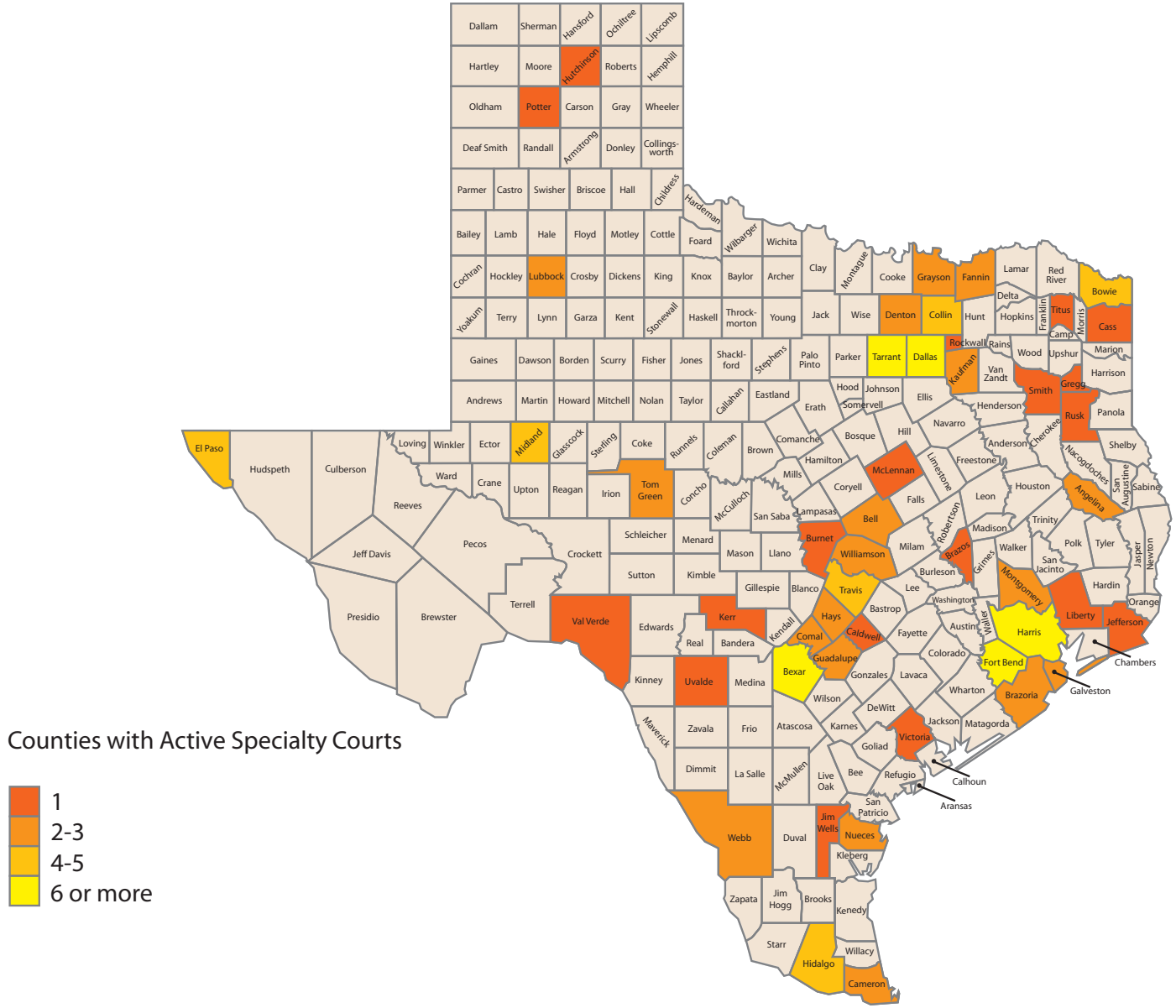
Individuals may be placed in any facility statewide if space is available and the offender meets admission criteria.

Appendix C: Treatment Alternatives to Incarceration Program Availability



February 2020

Appendix D: Active Specialty Courts



Based on information published by the Office of the Governor - Criminal Justice Division, July 2019.

- All courts handle felony cases unless otherwise noted.
- Judicial discretion in each of these options may result in the offender returning to community supervision (probation) following incarceration.
- "DWI hybrid" means drug courts that also serve impaired drivers.
- "DWI" means courts that exclusively serve impaired drivers.
- "MH hybrid" means drug courts that also serve clients with mental health disorders.

County	Court Name	Court Type	Court Coordinator	Contact Number
Angelina	Angelina County Drug Court Program	Drug Court	Georgia Kimmey	(936) 671-4083
	Angelina County Substance Abuse Felony Punishment Facility (SAFPF) Re-entry Drug Court Program	Reentry Court	Robin Lowe	(936) 637-0217
Bell	Bell County Drug Court	Drug Court	Katherine Martin	(254) 831-2215
	Bell County Veterans Court	Veterans Treatment Court	Katherine Martin	(254) 831-2215
Bexar	Bexar County Adult Misdemeanor Drug Court (Treatment Recovery Accountability Court)	Drug Court	Roberto Ruiz	(210) 335-2637
	Bexar County DWI Court	Drug Court	Roberto Ruiz	(210) 335-2637
	Bexar County Felony Reentry Court	Drug Court	Diana Zamarron	(210) 335-3063
	Bexar County Felony Drug Court	Drug Court	Diana Zamarron	(210) 335-3063
	Bexar County Mental Health Initiative Court	Mental Health Court	Michelle Starr-Salazar	(210) 335-0838
	Felony Co-Occurring Disorder Court (CORE)	Mental Health Court	Diana Zamarron	(210) 335-3063
	Bexar County Veterans Treatment Court	Veterans Treatment Court	Joshua Childers	(210) 335-2639
	Bexar County Felony Veterans Treatment Court	Veterans Treatment Court	John Herman	(210) 753-4368
	Esperanza Court	Commercially Sexually Exploited Persons Court	Laura Torres	(210) 335-0572
Bowie	Bowie County Adult Felony Drug Court	Drug Court	Kristy McLain	(903) 798-3058

County	Court Name	Court Type	Court Coordinator	Contact Number
Bowie (cont.)	Bowie County Re-Entry Aftercare Drug Court	Reentry Court	Kristy McLain	(903) 798-3058
	Bowie County Adult Misdemeanor Drug Court	Drug Court	Kristy McLain	(903) 798-3058
	Bowie County Mental Health Court	Mental Health	Kristy McLain	(903) 798-3058
	Bowie County SAFPF Reentry Court	Reentry Court	Kristy McLain	(903) 798-3058
Brazoria	Brazoria County DWI Court Program	DWI Court	Craig Fritz	(979) 864-2132
	Brazoria County Veterans Court Program	Veterans Treatment Court	Craig Fritz	(979) 864-2132
	Brazoria County S.T.E.P. Drug Court Program	Drug Court	Craig Fritz	(979) 864-2132
Brazos	Brazos County Specialty Court	Court	Bobby Baker	(979) 361-4448
Burnet	33rd/424th Judicial Districts Drug Court Program	Drug Court	Hope Ellett	(512) 756-5483
Caldwell	Caldwell County Challenge Court	Drug Court	Steve Thomas	(512) 398-1807
Cameron	Cameron County Divert Court	Drug Court	Blanca Castaneda	(956) 547-7081
	Cameron County Veterans Court	Veterans Treatment Court	Priscilla Guajardo	(956) 547-7034
	Cameron County Mental Health Divert/ AOT Court	Mental Health Court	Jessica Carrizales	(956) 356-6373
Cass	Cass County Drug Court	Drug Court	Catherine Betts	(903) 756-7517
Collin	Collin County 416th Drug Court	DWI Hybrid Court	Steven Janway	(972) 548-4520
	North Texas Regional Veterans Court – Collin County	Veterans Treatment Court	Brennan Jones	(469) 974-7731
	Collin County Court at Law No. 1 DWI/Drug Court	DWI Hybrid Court	Adri Starnes	(972) 548-3860
	Collin County Court at Law No. 7 Misdemeanor DWI/Drug Court	DWI Hybrid Court	Mayra Pinedo	(972) 548-3698

County	Court Name	Court Type	Court Coordinator	Contact Number
Comal	Comal County Challenge Court	DWI Hybrid Court	Steve Thomas	(830) 221-1270
	Comal County Accountability Court	Drug Court	Judith Zamora	(830) 221-1180
	Comal County Veterans Treatment Court	Veterans Treatment Court	Brad Ramey	(830) 221-1122
Dallas	ATLAS Mental Health Court - Achieving True Liberty and Success	Mental Health Court	Serena McNair	(214) 875-4921
	Dallas County 4C Reentry Court	Reentry Court	Roger Henderson	(214) 875-2548
	Dallas County Competency Court	Mental Health Court	Janine Capetillo	(214) 653-3535
	Dallas County Felony DWI Divert Court	DWI Court	Serena McNair	(214) 875-4921
	Dallas County IIP (Intensive Intervention Program)	Drug Court	Serena McNair	(214) 875-4921
	Dallas County Mental Health Diversion Court	Mental Health Court	Shenna Oriabure	(214) 875-2429
	Dallas County Misdemeanor DWI Court	DWI Court	Serena McNair	(214) 875-4921
	Dallas County STAC (Successful Treatment of Addiction through Collaboration) Program	Drug Court	Serena McNair	(214) 875-4921
	Dallas County Veterans Court	Veterans Treatment Court	Serena McNair	(214) 875-4921
	Dallas Initiative for Diversion and Expedited Rehabilitation and Treatment (DIVERT) Court	Drug Court	Keta Dickerson	(214) 653-5340 (972) 953-6899
	Dual Diagnosis Aftercare Court (DDC)	Mental Health Court	Serena McNair	(214) 875-4921
	S.T.A.R. Felony Prostitution Court	Commercially Sexually Exploited Persons Court	Nancy Kennedy	(214) 651-5912
	South Oak Cliff Veterans Treatment Court	Veterans Treatment Court	Dianne Gibson	(214) 670-7129
	South Dallas Drug Court	Drug Court	Dianne Gibson	(214) 670-7129
	Dallas County AIM	Drug Court	Julie Turnbull	(214) 653-3892

County	Court Name	Court Type	Court Coordinator	Contact Number
Denton	Denton County DWI Treatment Court	Drug Court	Sandra Jones	(940) 349-2190
	Denton County Veterans Court	Veterans Treatment Court	Jeff Gilmore	(940) 349-2188
	Denton County Drug Treatment Court	Drug Court	Kevin Edwards	(940) 349-3337
El Paso	384th Adult Drug Court Program	Drug Court	Cynthia Morales-Caro	(915) 546-8120 ext. 4251
	ESTEEM Prostitution Prevention Court Program	Commercially Sexually Exploited Persons Court	Claudia Arreola	(915) 834-8232 ext. 4441
	El Paso DWI Drug Court Intervention and Treatment Program	Drug Court	Leticia Medina	(915) 834-8232
	El Paso Veterans' Treatment Court Program	Veterans Treatment Court	Silvia Serna	(915) 546-2119
	El Paso County Women's Addiction & Recovery (WAR) Court	Drug Court	Magdalena Morales-Aina	(915) 546-8120 ext. 6231
	384th SAFPF Re-Entry Drug Court	Drug Court	Michael Alvarado	(915) 546-2134
Fannin	Fannin County Drug Court	Drug Court	Kirsty Carroll	(903) 583-7446
	Fannin County Mental Health Court	Mental Health Court	Patty Andrews	(903) 583-7446
	North Texas Regional Veterans Court – Fannin County	Veterans Treatment Court	Brennan Jones	(469) 974-7731
Fort Bend	Fort Bend County Closing Addiction's Revolving Door (CARD) Program	Drug Court	Jim Syptak	(281) 633-7243
	Fort Bend County Mental Health Docket	Mental Health	Susan Pollock	(281) 341-7653
	Fort Bend County Mental Health Court	Mental Health	Regina Green	(832) 471-2822
	Fort Bend County Misdemeanor Drug Court	Drug Court	Stan Polk	(281) 238-3236
	Fort Bend County Misdemeanor DWI Court	Drug Court	Stan Polk	(281) 238-3236

County	Court Name	Court Type	Court Coordinator	Contact Number
Fort Bend (cont.)	Fort Bend County STARS (Sobriety Through Alternative Rewards & Sanctions) SAFPF Re-entry Court.	Drug Court	Stan Polk	(281) 238-3236
	Fort Bend County Veterans Court	Veterans Treatment Court	Terri Escobar	(281) 243-4856
	Fort Bend County Special Sanctions Court	Drug Court	Stan Polk	(281) 238-3236
Galveston	Galveston County HOPE Drug Court Program	Drug Court	Willie Lacy	(409) 770-5509
	Veterans Treatment Court	Veterans Treatment Court	Matthew Parrish	(409) 765-2679
Grayson	Grayson County Recovery Court Program	Drug Court	Jessica Babers	(903) 813-4200 ext. 4051
	North Texas Regional Veterans Court – Grayson County	Veterans Treatment Court	Brennan Jones	(469) 974-7731
Gregg	Gregg County 188th Judicial District Drug Court	Drug Court	Gary Davis	(903) 234-2640
Guadalupe	ACHIEVE Misdemeanor Drug/DWI Court	DWI Hybrid Court	Sandra Mileham	(830) 303-9723
	Guadalupe County Veterans Treatment Court	Veterans Treatment Court	Doreen Luehlfing	(830) 303-8867
	High Risk Probationer (HRP)	Drug Court	Shawn Cooksey	(830) 303-9727
Harris	Harris County Felony Veterans Court	Veterans Treatment Court	Trina Willis	(713) 755-2709
	Harris County Misdemeanor Veterans Court	Veterans Treatment Court	Trina Willis	(713) 755-2709
	Felony Mental Health Court	Mental Health Court	Jeannette Kolarik	(832) 927-4347
	Harris County Sober Court (ID# 104)	DWI Court	Trina Willis	(713) 755-2709
	Harris County Sober Court (ID# 105)	DWI Court	Trina Willis	(713) 755-2709
	Harris County Sober Court (ID# 106)	DWI Court	Trina Willis	(713) 755-2709
	Harris County Sober Court (ID# 223)	DWI Court	Trina Willis	(713) 755-2709

County	Court Name	Court Type	Court Coordinator	Contact Number
Harris (cont.)	Harris County Sober Court (ID# 225)	DWI Court	Trina Willis	(713) 755-2709
	Success Through Addiction Recovery (STAR 1 Program)	Drug Court	Trina Willis	(713) 755-2709
	Success Through Addiction Recovery (STAR 2 Program)	Drug Court	Trina Willis	(713) 755-2709
	Success Through Addiction Recovery (STAR 3 Program)	Drug Court	Trina Willis	(713) 755-2709
	Success Through Addiction Recovery (STAR 4 Program)	Drug Court	Trina Willis	(713) 755-2709
Hays	Hays County Drug Court	Drug Court	Robin Clark	(512) 393-7700
	Hays County Veterans Treatment Program	Veterans Treatment Court	Gerald Ramcharan	(512) 878-6677
Hidalgo	Hidalgo County Drug Court Program	Drug Court	Faustino Lopez	(956) 587-6016
	Hidalgo County DWI Court	DWI Court	Faustino Lopez	(956) 587-6016
	Hidalgo County Misdemeanor DWI Court	DWI Court	Marta Kang	(956) 587-6024
	Hidalgo County Veterans Court	Veterans Treatment Court	Eloy Lugo	(956) 587-6027
Hutchinson	Hutchinson County Adult Drug Court	Drug Court	Kimi Lantelme	(806) 878-4019
Jim Wells	79th Judicial District Drug/Alcohol Court Diversion Program	DWI Hybrid Court	Albert Ramirez	(361) 664-9199
Jefferson	Jefferson County Drug Intervention Court	Drug Court	Alcenia Gilmore	(409) 951-2223
Kaufman	Kaufman County 422nd District Drug and Mental Health Court	Drug Court	Jennifer Clark	(469) 376-4668
	Kaufman County Court at Law DWI/ Diversion Court	Drug Court	Cindy Wood	(972) 932-0212
	North Texas Regional Veterans Court – Kaufman County	Veterans Treatment Court	Brennan Jones	(469) 974-7731

County	Court Name	Court Type	Court Coordinator	Contact Number
Kerr	Kerr County Drug Court	Drug Court	Andrea Bode	(830) 896-2233
Liberty	Liberty County Veterans Treatment Court	Veterans Treatment Court	Marvin Powell	(713) 569-3650
Lubbock	Lubbock County Adult Drug Court	Drug Court	Veda Wright	(806) 775-1359
	Lubbock County CRTC & SAFPF Re-Entry "Freedom" Drug Court Program	Reentry Court	Tammy Brown	(806) 775-1038
	Lubbock County DWI Court	DWI Court	Audrey Beckham	(806) 775-1035
McLennan	DWI/Drug Court	Drug Court	Vikram Deivanayagam	(254) 757-5030
Midland	Midland County Mental Health Court	Mental Health Court	JoAnn Gonzalez	(432) 688-4380
	Midland County Drug Court	Drug Court	Elizabeth Rainey	(432) 688-4504
	Midland County DWI Court	DWI Court	Elizabeth Rainey	(432) 688-4504
	Midland County Transitional Treatment Court	Drug Court	Elizabeth Rainey	(432) 688-4504
Montgomery	Court Assisted Rehabilitation Experience (CARE) Program	Drug Court	Christen Arnold	(936) 538-8113
	DWI Court	DWI Court	Christen Arnold	(936) 538-8113
	Mental Health Treatment Court	Mental Health Court	Ellen Dement	(936) 538-8110
	Veterans Treatment Court	Veterans Treatment Court	Phyllis Rainey	(936) 539-7900
Nueces	DIVERT Drug Court	Drug Court	Elizabeth Davila	(361) 854-4122
	Veterans Court Program	Veterans Treatment Court	Amanda De La Cerda	(361) 888-0510
Potter	Potter and Randall Counties Drug Court	Drug Court	Richard Bernal	(806) 378-3714
Rockwall	North Texas Regional Veterans Court – Rockwall County	Veterans Treatment Court	Brennan Jones	(469) 974-7731
Rusk	Rusk County Drug Court	Drug Court	Annette Griffin	(903) 657-0358
Smith	Smith County Veterans Court	Veterans Treatment Court	Michael Roark	(903) 590-2950

County	Court Name	Court Type	Court Coordinator	Contact Number
Tarrant	D.I.R.E.C.T. Program	Drug Court	Triana Carranza	(817) 884-3321
	Felony Alcohol Intervention Program (FAIP)	DWI Court	Triana Carranza	(817) 884-3321
Tarrant (cont.)	Reaching Independence through Self Empowerment (RISE)	Commercially Sexually Exploited Persons Court	Britannia Broostrom	(817) 884-1600
	SAFPF and Intensive Day Treatment Re-entry Court	Reentry Court	Tara Spinella	(817) 884-2809
	Tarrant County Public Service Employees Treatment Court	Public Safety Employees Treatment Court	Debra Bezner	(817) 884-2647
	Tarrant County Misdemeanor DWI Court	DWI Court	Triana Carranza	(817) 884-3321
	Tarrant County Veterans Court	Veterans Treatment Court	Cheryl Bennett-Wright	(817) 212-7077
	Tarrant County Mental Health Diversion Court	Mental Health Court	Cheryl Bennett-Wright	(817) 212-7077
Titus	76th/276th Judicial District Drug Court for Camp, Morris, and Titus Counties	Drug Court	Gilbert Olivarez	(903) 856-5684
Tom Green	Concho Valley Felony Drug Court Program	Drug Court	J. E. Davenport	(325) 659-0200
	Tom Green County Regional Specialty Court	Drug Court	Gracie Nunez	(325) 659-6558
Travis	The Phoenix Court Prostitution Prevention Program	Commercially Sexually Exploited Persons Court	Caryl Colburn	(512) 854-4618
	Travis County Adult Drug Diversion Court	Drug Court	Sharon Caldwell-Hernandez	(512) 854-4646
	Travis County Adult Probation DWI Court	DWI Court	Marsha Morgenroth	(512) 854-7607
	Travis County Veterans Court	Veterans Treatment Court	Jolene Grajczyk	(512) 854-3856
Uvalde	38th Judicial District Specialty Court	Mental Health	Fidelia Ballesteros	(830) 278-3913

County	Court Name	Court Type	Court Coordinator	Contact Number
Val Verde	Val Verde County DWI/Drug Court	DWI Court	Mayra Quicksall	(830) 461-3262
Victoria	Victoria County DWI Court Program	DWI Court	Becky Wade	(361) 580-5761
Webb	Webb County 406th Judicial District Adult Drug Court Program	Drug Court	Guadalupe Palomo	(956) 523-4654
	South Texas Veterans Treatment Program	Veterans Treatment Court	Jerry Alva	(956) 523-4872
	Webb County Court at Law No. 2 DWI Court Program	Drug Court	Arnoldo Lozano	(956) 523-4332
Williamson	Williamson County DWI/Drug Court	DWI Hybrid Court	Phillip Garcia	(512) 943-1568
	Williamson County Veterans Treatment Court	Veterans Treatment Court	Kathy Pierce	(512) 260-6514

Bold = Counties with a population of 200,000 or greater

Appendix E: Additional Resources

Note: *Online addresses are given when available. All online addresses are current as of the date of manual publication.*

TDCJ-CJAD Resources

TDCJ-CJAD Website	http://www.tdcj.texas.gov/divisions/cjad/index.html
TDCJ-CJAD Standards for Community Supervision and Corrections Departments	https://www.tdcj.texas.gov/divisions/cjad/standards.html
Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds (December 1st Report)	https://www.tdcj.texas.gov/publications/cjad/pubs_cjad_lbb_reports.html
TDCJ-CJAD Publications Page	https://www.tdcj.texas.gov/publications/cjad/pubs_cjad.html

Texas Statutes http://www.statutes.legis.state.tx.us/

Reports

One in 100: Behind Bars in America (February 2008)	https://www.pewtrusts.org/en/research-and-analysis/reports/2008/02/28/one-in-100-behind-bars-in-america-2008

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Websites

Interstate Commission for Adult Offender Supervision (ICAOS)	http://www.interstatecompact.org
Texas Interstate Compact Office	https://www.tdcj.texas.gov/divisions/pd/interstate_compact.html
National Institute of Corrections	http://www.nicic.gov
Office of Court Administration	http://www.txcourts.gov/oca
Pew Center on the States	http://www.pewtrusts.org/en/topics/state-policy
Texas Association of Drug Court Professionals	http://www.apaint1.org/!_TADCP
Texas Criminal Defense Lawyers Association	http://www.tcdla.com
Texas District and County Attorneys Association	http://www.tdcaa.com
Texas Association of Specialty Courts	http://www.tasctx.org

Texas Department of Criminal Justice - Community Justice Assistance Division

209 W. 14th Street, Suite 400
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