

SUBJECT: Adopting certain Sunset recommendations for TDCJ and related entities

COMMITTEE: Corrections — committee substitute recommended

VOTE: 6 ayes — Harless, V. Jones, Harrison, Lowe, Meza, Wharton

0 nays

3 absent — Allen, Lozano, Schatzline

SENATE VOTE: On final passage (April 22) — 31-0

WITNESSES: None

BACKGROUND: **Texas Department of Criminal Justice.** The Texas Department of Criminal Justice (TDCJ) was created in 1989 by consolidating the state’s adult probation, incarceration, and parole supervision functions. TDCJ works with the Board of Pardons and Paroles (BPP), Windham School District, and the Correctional Managed Health Care Committee (CMHCC) to confine, supervise, and provide services for adults convicted of certain crimes in Texas.

Functions. TDCJ assists local Community Supervision and Corrections Departments (CSCDs) that supervise individuals on probation. The agency confines individuals convicted of felony offenses in state jails and prisons, and provides inmates with rehabilitation programs as well as services aimed at reducing recidivism and supporting their reintegration into the community upon release. In addition to incarceration, TDCJ provides direct services to crime victims, supervises individuals released from confinement to TDCJ supervision in the community, and oversees programs designed to support successful reentry, including educational, vocational, and treatment programs. At the end of fiscal year 2023, TDCJ oversaw 530,718 people, including 326,005 probationers, 129,653 inmates, and 75,060 releasees.

Governing structure. The Texas Board of Criminal Justice (TBCJ)

governs TDCJ's operations and, in a separate capacity, serves as the Board of Trustees for Windham. The governor appoints TDCJ's nine-member board with the advice and consent of the Senate and designates the board chair. Members serve staggered, six-year terms. The board is required by statute to employ and supervise an executive director and is responsible for appointing and overseeing the inspector general, director of the State Counsel for Offenders, director of Internal Audit, Prison Rape Elimination Act ombudsman, and independent ombudsman, all of whom directly report to the board.

Funding. In fiscal year 2023, TDCJ operated on a budget of about \$3.9 billion, mostly from general revenue funds. TDCJ also received funds from federal grants, interagency contracts, the sale of agricultural and manufactured products, and other sources. BPP is a separate agency funded through TDCJ's appropriations.

Staffing. At the end of fiscal year 2023, TDCJ employed 31,179 staff, including 17,361 correctional officers. Staff are based at TDCJ's central offices in Huntsville and Austin, regional offices, parole offices, and other facilities throughout the state.

TDCJ is subject to abolishment on September 1, 2025, unless continued by the Legislature.

Correctional Managed Health Care Committee. The Correctional Managed Health Care Committee (CMHCC) was established in 1993 to develop a managed healthcare plan for all inmates in TDCJ facilities and to contain costs through contract management. In 2013, the committee was reconstituted as a committee administratively attached to TDCJ.

Functions. The committee is responsible for developing and approving the managed healthcare plan, coordinating cost containment initiatives, providing clinical expertise, and resolving disputes between TDCJ and its healthcare providers.

Governing structure. The volunteer committee consists of nine voting

members and one non-voting member. The governor appoints six members, including two licensed mental health professionals and two public members, at least one of whom must be a licensed physician. The remaining voting members include representatives from TDCJ, the University of Texas Medical Branch (UTMB), and the Texas Tech University Health Sciences Center (TTUHSC). The state Medicaid director or a designee serves as the non-voting member.

Funding and staffing. The committee receives no direct appropriations and relies on TDCJ for administrative support. Members are eligible for reimbursement of travel expenses from TDCJ's managed healthcare budget.

Managed Health Care Plan and university providers. CMHCC contracts with two state university health-related institutions to provide care for individuals incarcerated in TDCJ facilities: the University of Texas Medical Branch at Galveston (UTMB) and Texas Tech University Health Sciences Center (TTUHSC). The committee develops and approves the managed health care plan that outlines health services to be provided, including medical, dental, mental health, and hospital services. The plan sets out reimbursement rates, dispute resolution procedures, and performance expectations. In fiscal year 2023, UTMB served about 80 percent of the incarcerated population and TTUHSC served about 20 percent.

CMHCC is subject to review but not to abolishment under the Sunset Act.

Windham School District. The Windham School District (Windham) provides educational programs and services in the correctional setting of TDCJ. Statute establishes goals for Windham to reduce recidivism, increase post-release employment success, and incentivize positive inmate behavior during incarceration.

Functions. Windham provides academic, technical, and life skills programs to eligible students in TDCJ facilities, including courses aimed at reducing recidivism and supporting post-release employment.

Governing structure. TBCJ serves as the Windham School District's Board of Trustees and appoints the district's superintendent.

Funding. In fiscal year 2023, Windham received over \$70 million in total revenue, primarily from the Texas Education Agency's Foundation School Program, along with TDCJ contracts and federal and state grants.

Staffing. Windham employed 915 staff in fiscal year 2023, including 433 certified teachers and 62 principals.

Students and programs. Windham enrolled 47,462 students in fiscal year 2023, representing about 69 percent of individuals released from TDCJ that year. The district offers academic, career and technical education, and life skills programs to incarcerated individuals housed in TDCJ facilities.

Windham is subject to review but not to abolishment under the Sunset Act.

Board of Pardons and Paroles. The Board of Pardons and Paroles (BPP) was established in 1929 as a constitutionally created agency responsible for making clemency recommendations to the governor and determining which eligible inmates may be released early from TDCJ custody.

Functions. BPP makes clemency recommendations to the governor and determines whether eligible inmates may be released on parole. The board also sets conditions of release and may revoke parole if conditions are violated.

Governing structure. The governor appoints BPP's seven full-time board members with the advice and consent of the Senate. Board members serve staggered six-year terms and appoint full-time parole commissioners who assist in parole decisions.

Funding. BPP is funded through TDCJ appropriations and had a budget of roughly \$30 million in fiscal year 2023. Most of the board's funding

supported parole hearings and decisions. Funding also supported the board's administrative operations and victim services functions.

Staffing. BPP employed 445 staff in fiscal year 2023, including parole commissioners, hearing officers, and administrative staff.

Victim services. The board's Victim Liaison Program provides support to victims who elect to participate in the parole review process. The program offers guidance on victim impact statements and provides other support services such as explaining the panel's vote to the victim. Victim services staff are located across Texas and coordinate with victims, law enforcement, prosecutors, and the public.

BPP is subject to review but not to abolishment under the Sunset Act.

DIGEST:

CSSB 2405 would continue the Texas Department of Criminal Justice (TDCJ) and related entities and implement selected recommendations from the Sunset Advisory Commission. The bill would address facilities planning, parole systems, program evaluation, agency oversight, and administrative procedures. TBCJ and TDCJ would be continued until September 1, 2037.

Facilities and capacity planning. CSSB 2405 would require TDCJ to develop a long-term plan for facility and capacity needs and make related changes to how unit capacity was reviewed, approved, and established.

Long-term facilities plan. The bill would require TDCJ to prepare a 10-year plan identifying the agency's facility and capacity needs, considering regional needs and any ancillary or community benefits associated with TDCJ facilities, and would allow the agency to contract with a third party to assist in the development as needed. No later than December 1, 2026, and every four years after that date, TDCJ would be required to submit the plan to TBCJ for approval, and submit the approved plan to the governor, lieutenant governor, speaker of the House of Representatives, and each standing legislative committee with jurisdiction over appropriations or TDCJ.

Maximum capacity. The bill would repeal the statutory maximum capacities for TDCJ units and require TBCJ to establish maximum capacities by rule, which would have to be adopted as soon as practicable after the bill's effective date. The bill would authorize TBCJ to establish a new maximum capacity based on its acceptance or modification of a recommendation from TDCJ's executive director and would repeal requirements for review and approval by the governor and attorney general, respectively. TBCJ would still be required to forward the recommendation or modified recommendation and findings to the governor, but would remove the required deadline by which the governor must accept or reject the recommendations. The bill also would transfer to TBCJ the attorney general's authority to authorize TDCJ to exceed 100 percent of capacity under certain conditions.

The bill would add the deputy director for programs to the list of TDCJ officers required to independently review recommendations for capacity increases. It also would specify that the deputy director for health services was the division director for health services and that the assistant director for classification and treatment serves as the division director for classification and inmate transportation.

Rehabilitation and reentry programs. CSSB 2405 would modify how TDCJ and Windham oversaw, evaluated, and coordinated rehabilitation and reentry programs by requiring a strategic plan, revising reporting requirements, and establishing standards for data collection and program assessment.

Program inventory and evaluation. The bill would require TDCJ to develop and maintain a public, comprehensive inventory of active programs and activities offered in its facilities, including each program's goals, capacity, and the facility where the program was offered. TDCJ would be required to collect and analyze data for oversight and improvement of these programs. For programs claiming rehabilitative or reentry effects, TDCJ would have to carry out these duties by:

- collecting results-based performance data;
- working with internal or external researchers to develop evaluation criteria; and
- using those criteria to evaluate the programs.

The bill would require TDCJ to collect and analyze data related to these program, such as institutional violations, recidivism, post-release employment, and confinement costs, and to use that data to produce and compare recidivism rates and other correctional impact trends, and to make changes to the program as needed. TDCJ could make structural or programmatic adjustments in response to poor evaluation results.

By December 1 of each even-numbered year, TDCJ would be required to submit a report on its program analysis to TBCJ, BPP, and relevant state officials and committees. TDCJ would be authorized to enter into a memorandum of understanding with other entities, including the Texas Workforce Commission (TWC), Office of Court Administration (OCA), Department of Public Safety (DPS), Texas Department of Licensing and Regulation (TDLR), other regulatory entities, and institutions of higher education, to obtain and share data needed to evaluate the programs.

Strategic plan. The bill would require TDCJ and Windham to jointly develop a strategic plan for rehabilitation and reentry programs by December 1, 2026. The plan would be required to include objectives and timelines intended to:

- increase program efficiencies, including reducing delays in parole-voted program placements;
- reduce program redundancies;
- incorporate new evidence-based and evidence-informed approaches; and
- incorporate technology-based solutions.

CSSB 2405 would define a “parole-voted program” as a program or class that TBCJ intended to require an inmate to complete before release on parole or to mandatory supervision. A temporary provision, expiring

December 31, 2027, would require that the strategic plan included steps and timelines to reduce parole-voted program placement timelines by at least 50 percent by September 1, 2027, compared to timelines as of August 31, 2023.

In developing the plan, TDCJ would be required to evaluate and, if necessary, renegotiate therapeutic service contracts to meet the current and projected program needs. TDCJ and Windham would be required to jointly update the plan at least every five years and submit a joint report on its implementation by December 1 of each even-numbered year to TBCJ, BPP, the governor, the lieutenant governor, the speaker of the House, and relevant legislative committees. In preparing the report, the agencies would be required to consider the most recent joint report from TDCJ's reentry and integration division and parole division.

Reentry report deadline. The bill would change the deadline for TDCJ to submit its biennial report on reentry and reintegration services from September 1 to December 1 of each even-numbered year.

Evidence-based programming lists. CSSB 2405 would require TDCJ, BPP, and Windham to collaborate on developing evidence-based program criteria for evaluating and assessing required individual treatment plan programs and parole-voted programs. The agencies would be required to:

- develop and maintain required individual treatment plans and parole-voted programs lists, excluding any non-evidence-based or non-evidence-informed programs;
- establish procedures for evaluating programs to be added to the lists, for assessing existing programs, and for removing programs that did not meet the evidence-based criteria; and
- coordinate on programming options through regular meetings.

The bill would define a “required individual treatment plan program” as a program required by law to be included in an inmate’s treatment plan, other than a parole-voted program. TDCJ and Windham would have joint authority to decide which programs were included on the required

program list, provided that BPP would have sole authority to decide which programs were included on the parole-voted program list after reviewing program options and evaluation results presented by TDCJ and Windham.

TDCJ would be required to collect and analyze certain parole-voted program data on a rolling basis and use the data to calculate wait times, track and reduce enrollment timelines, and address placement delays. The data and analysis would be included in the strategic plan for rehabilitation and reentry programs. TDCJ also would be required to prioritize inmate placement, ensure program capacity met demand, and expand access to parole-voted programs in line with that strategic plan.

Individual treatment plans. The bill would require each inmate's individual treatment plan to include a comprehensive, plain-language list of the inmate's program participation, including state-funded programs, intensive volunteer programs, and program enrollment and completion dates. The list would be required to distinguish between evidence-based programs and correctional elective programs and activities that were non-evidence-based or non-evidence-informed. TDCJ would be required to revise existing plans to meet these requirements by December 1, 2026.

Parole systems. CSSB 2405 would revise various aspects of parole administration, including parole officer staffing and supervision, caseload management, special conditions, and data collection, and would shift certain rulemaking responsibilities from TDCJ to TBCJ.

Salary career ladder. The bill would repeal the requirement for TDCJ's executive director to adopt and apply a specified salary career ladder based on parole officer classifications and years of service. Instead, TBCJ would be required to consult relevant stakeholders, review the current salary structure, and align it with TDCJ's future needs. TBCJ would be authorized to revise the salary career ladder as needed.

Maximum caseload guidelines. The bill would repeal the requirement for TDCJ to adopt maximum caseload guidelines for parole officers based on statutory ratios and to submit funding reports when those guidelines were

not met. Instead, the bill would require TBCJ by rule to establish maximum caseload guidelines, which would have to be adopted as soon as practicable after the bill's effective date. TBCJ would be required to periodically review the guidelines to ensure they were achievable and informed by research-supported supervision practices and would be authorized to revise them as needed. Before TBCJ adopted or amended the guidelines, TDCJ would be required to conduct a job task analysis and workload study on parole officers.

Parole supervision and caseload report. CSSB 2405 would require TDCJ, in consultation with relevant stakeholders, to review current parole supervision practices and caseload approaches and, by December 1, 2026, submit a report with proposed changes to TBCJ, BPP, the governor, the lieutenant governor, the speaker, and relevant legislative committees. The report would be required to include proposed maximum caseloads, an evaluation of TDCJ's practice of assigning parole caseloads where staffing vacancies existed, and the results of any pilot project assessing changes to supervision practices or caseload approaches. The bill would prohibit implementing any such pilot project statewide before submission of the report. These provisions would expire September 1, 2027.

Special conditions working group. The bill would require BPP and TDCJ to jointly establish a work group composed of BPP members and parole commissioners who were actively serving on a parole panel, along with staff from TDCJ's parole division. The work group would be required to meet annually to:

- discuss the efficacy of special conditions, including by soliciting input from parole officers and relevant parties;
- assess the continuing need for specific special conditions; and
- identify potential modifications for BPP to consider adopting.

Parole panel data. CSSB 2405 would require BPP to coordinate with TDCJ to collect and analyze data on inmate releases through parole, mandatory supervision, and medically recommended intensive supervision, as well as the use of special conditions and graduated

sanctions. BPP would be required to use the data collected to evaluate outcomes and trends and to determine a method for assessing the consistency of revocation decisions across parole panels. BPP also would be required to use the findings to develop training for its designees, members, and parole commissioners.

Qualification waivers. The bill would authorize the parole division of TDCJ to establish a waiver procedure for instances when the division director was unable to appoint parole officers or supervisors who met the employment qualifications required under state law.

Medically recommended intensive supervision. The bill would revise eligibility, procedures, and oversight for medically recommended intensive supervision (MRIS). The bill would expand the exception prohibiting certain inmates from being eligible for a parole-granted MRIS to include those who were not a U.S. citizen, as defined by federal law. It also would expand eligibility for MRIS to include inmates that the Texas Correction Office on Offenders with Medical or Mental Impairments (TCOOMI) identified as having a medical condition prescribed as eligible by BPP rule. The bill would also specify that, if all other conditions were met, an inmate could qualify for an MRIS upon a determination that the inmate was elderly, regardless of whether the inmate had any other qualifying condition.

The bill would amend provisions establishing the qualifications that inmates that had committed an offense which required registration as a sex-offender would have to meet in order to be eligible for an MRIS.

CSSB 2405 would authorize, rather than require, TCOOMMI to request proposals from vendors to provide services for MRIS releasees and would revise parole panel composition to include BPP members and parole commissioners appointed by the presiding officer.

BPP would be required to adopt rules to administer MRIS and related release determinations. The rules would have to specify procedures for evaluating an inmate's prognosis, identify factors relevant to release

decisions beyond the inmate's condition, define what constitutes a threat to public safety, and describe how those determinations should be made for MRIS. The rules would have to be adopted as soon as practicable after the bill's effective date.

Prognosis evaluations would have to require a review of the inmate's condition by at least one health care practitioner. Each practitioner would have to submit a written report to the parole panel before it made a final decision containing information on the inmate's condition specified by the bill.

In developing the information that would be required to be reported by the health care practitioner, BPP would be authorized to consult with TCOOMMI, CMHCC, the parole division of TDCJ, the Texas Tech University Health Sciences Center, and the University of Texas Medical Branch at Galveston. The identity of a health care practitioner who provided a report, other than the practitioner's specialization, would be protected from disclosure under public information law, though BPP would be authorized to redact or release the information as appropriate.

The bill would require BPP to develop and provide a comprehensive training program for board members and parole commissioners serving on panels that consider MRIS. The training would be required to include background information on MRIS and education on:

- applicable statutes and BPP rules;
- supervision of individuals released on MRIS, including the use and modification of special conditions and graduated sanctions; and
- how to read and review the health care practitioner's report on an inmate's condition.

In developing the program, BPP would be required to use available MRIS data and consult with TDCJ, a practicing physician, and a psychiatrist as needed. BPP also would be required to create a condensed version of the training and inform members of any subsequent updates after completion.

A parole panel member would be prohibited from voting on MRIS release decisions until completing the initial training. Afterward, the member would be required to complete the condensed version biennially to remain eligible to vote on such cases. BPP would be required to make the training available by December 1, 2025, and members and commissioners would not be required to complete it until that date.

Postsecondary education. CSSB 2405 would transfer responsibility for administering postsecondary education programs to the Windham School District and make related changes to program oversight, data collection, interagency coordination, and tuition reimbursement.

Transfer of programming. The bill would require Windham and TDCJ to enter into a memorandum of understanding for Windham to administer postsecondary education programs.

Advisory board. The bill would require Windham to establish a postsecondary education advisory board to advise the district and TDCJ on these programs. The advisory board would be composed of relevant stakeholders, including representatives of:

- the Texas Higher Education Coordinating Board;
- the Texas Department of Licensing and Regulation;
- the Texas Workforce Commission;
- public institutions of higher education, on a rotating basis;
- an organization representing families of student participants;
- an organization advocating for the education of student participants; and
- current or former student participants in the programs.

Data collection and sharing. The bill would require Windham to include career and technical education and postsecondary education programs among those evaluated for program effectiveness. In addition to existing requirements, the bill would specify that the compiled data used in program evaluations would have to be disaggregated by sex and include the number and percentage of students who completed training in a

regulated industry and applied for, received, or were denied a certificate or license from a state agency. The bill would also make conforming changes to other provisions related to schools in TDCJ to replace “vocational training” with “career and technical education.”

The bill also would authorize Windham to enter into an agreement with a governmental entity, including TWC, DPS, TDLR, other regulatory entities, or the Texas Higher Education Coordinating Board, to obtain and share data needed to support and evaluate district and postsecondary education programs within TDCJ. The bill would repeal the existing authority for Windham to enter into a memorandum of understanding for this purpose with TDCJ, DPS, and TWC.

Tuition reimbursement program. The bill would require TDCJ, using appropriated funds, to establish and administer a program to pay postsecondary education tuition and fees for eligible inmates. Inmates who received such payments during confinement would be required to reimburse TDCJ for the costs, without interest. A parole panel could require reimbursement as a condition of parole or mandatory supervision.

Administration and governance. CSSB 2405 would revise the structure, oversight responsibilities, and reporting requirements of TBCJ and TDCJ, including changes to board member qualifications and the supervision of independent offices and reporting entities. The bill also would revise procedures for complaint handling, inmate safety notifications, and legal representation in certain civil commitment proceedings. Additionally, it would modify deadlines and responsibilities for various reports and interagency coordination efforts.

TBCJ member qualifications. The bill would require that at least two of the nine members of TBCJ have significant business or corporate experience. This requirement would not affect the ability of members serving before the bill’s effective date to complete their terms. As terms expired, the governor would be required to appoint or reappoint members who met this qualification.

Independent reporting entities. The bill would require TBCJ to maintain oversight and supervision of certain independent reporting entities, including the offices of the independent auditor, independent ombudsman, inspector general, ombudsperson appointed by TBCJ, and the office providing legal representation for indigent inmates. TBCJ would be authorized to adopt rules as necessary for their operation and would be required to employ a director for each office, who would serve at the pleasure of TBCJ. TBCJ would be required to approve the operating budgets and appropriation requests for these offices and develop and implement policies separating the management responsibilities of the independent reporting entities from those of the executive director and TDCJ staff.

Office of the Inspector General. CSSB 2405 would specify that the Office of the Inspector General was an independent law enforcement agency under the direction of TBCJ responsible for preventing and investigating offenses committed by TDCJ employees and inmates, as well as offenses occurring at TDCJ-operated or contracted facilities or other facilities where individuals in TDCJ custody were housed or received medical or mental health treatment. These offenses would include:

- unauthorized or illegal entry into a TDCJ facility;
- introduction of contraband into a TDCJ facility;
- escape from a TDCJ facility and parole absconding;
- organized criminal activity; and
- violations of TDCJ policy or procedure.

The bill would authorize the inspector general to employ and commission peace officers to carry out these duties. TBCJ would be required to employ a commissioned peace officer as inspector general, who could be terminated by TBCJ action. Peace officers employed and commissioned by the inspector general would be required to be licensed under certain Occupations Code provisions and complete advanced training as part of their continuing education requirements. The office would be required to work cooperatively with other law enforcement agencies to carry out its duties.

Criminal justice information system oversight. The bill would remove the inactive Criminal Justice Policy Council from provisions requiring DPS and TDCJ to develop biennial plans to improve the criminal justice information system. The bill would require the State Auditor's Office (SAO), rather than the council, to examine system records and operations to ensure accuracy, completeness, and timely reporting. The SAO would be required to submit a report with findings and recommendations to the governor in addition to the Legislature.

Advisory Committee on Offenders with Medical or Mental Impairments. The bill would revise the composition of the Advisory Committee to TBCJ on Offenders with Medical or Mental Impairments to include the executive heads of the Texas Veterans Commission and TWC.

TCOOMMI biennial report. The bill would change the deadline for TCOOMMI to submit its biennial report to TBCJ and state leadership from February 1 of each odd-numbered year to December 1 of each even-numbered year. The bill would repeal the requirement for TCOOMMI to submit an annual report on services to wrongfully imprisoned persons and instead require that information in its biennial report.

Continuity of care programs. The bill would add TWC to the list of agencies required to adopt by rule memorandums of understanding with TDCJ, the Department of State Health Services (DSHS), and the Health and Human Services Commission (HHSC) to establish responsibilities for continuity of care and service programs. These programs would apply to elderly offenders and offenders with physical disabilities, terminal illnesses, or significant illnesses in the criminal justice system.

Civil commitment representation. CSSB 2405 would transfer responsibility for representing indigent individuals in civil commitment proceedings for sexually violent predators from the Office of State Counsel for Offenders to TBCJ. TBCJ would be authorized to employ attorneys, support staff, and other personnel as needed. These personnel would report directly to TBCJ, who would be required to pay all fees and costs associated with the representation.

Complaint procedure notice. The bill would require TDCJ to provide notice, rather than a written copy, of its policies and procedures for complaint investigation and resolution to all TDCJ employees and to each person who filed a complaint.

Inmate assault reporting. The bill would require the executive director of TDCJ to refer allegations that a TDCJ employee assaulted an inmate to an appropriate law enforcement official, rather than file a complaint with a county official.

Inmate death reporting. The bill would require facility staff to notify the Office of the Inspector General, rather than the Office of Internal Affairs, when an inmate died in TDCJ custody.

AIDS and HIV education report. The bill would revise the deadline for TDCJ to report to the Legislature on AIDS and HIV education and testing efforts from January 15 of each odd-numbered year to December 1 of each even-numbered year.

Other provisions. CSSB 2405 would amend certain outdated references to agency, division, and office names and remove references to defunct entities. The bill also would revise certain terminology and align statutory provisions with TDCJ's existing organizational structure and operations.

Pen packet submission training. The bill would require TDCJ to develop and provide annual training for county employees on submitting documents required before TDCJ took custody of a person transferred from a county jail. The training would cover documents required under applicable Code of Criminal Procedure provisions and could be offered in person or online, including live or prerecorded online formats.

Overtime compensation. The bill would require unused compensatory time accrued by TDCJ employees under the federal Fair Labor Standards Act to be credited to the employee's vacation leave if not used within 24 months, rather than lapse. This change would apply to compensatory time

accrued before, on, or after the bill's effective date.

Volunteer and faith-based organizations. The bill would transfer responsibility for identifying and encouraging volunteer and faith-based organizations that provided inmate programs from each facility warden to TDCJ staff. TDCJ staff would be required to actively encourage such organizations to offer programs in TDCJ facilities and solicit feedback from wardens and chaplains on facility needs. The bill also would remove the requirement for each warden to submit an annual report to TBCJ and instead require TDCJ to include the relevant summary in the biennial report on its program inventory.

Location for released inmate funds. CSSB 2405 would change the required location of banks where the comptroller would be required to maintain at least \$100,000 for prompt payments to inmates released on parole, mandatory supervision, or conditional pardon from Huntsville, Texas, to any location in Texas.

Across-the-board recommendations. The bill also would amend provisions governing TBCJ, CMHCC, and BPP to include across-the-board Sunset recommendations on:

- specific grounds for removal of a member of CMHCC;
- training for the applicable entities' members;
- maintenance of a complaint system; and
- person-first language.

The bill would provide for the transition to the new training requirements for current TBCJ, CMHCC, and the BPP members, as well as for current parole commissioners.

Repealed provisions. The bill would repeal:

- the requirement that TDCJ's institutional division assess its long-term administrative segregation and maximum security needs every three years and report the results to the Legislative Criminal Justice

Board;

- statutes that established the Advisory Committee on Agriculture and set out its administration, operation, and duties;
- the requirement that TDCJ submit a report comparing the recidivism rates of sex offenders who had undergone orchiectomy to those who had not;
- the requirement that TBCJ designate at least nine regions for state jail felony facilities; and
- provisions that required TBCJ to adopt and enforce regional and intra-regional allocation policies for those regions.

Effective date. CSSB 2405 would take effect September 1, 2025.

SUPPORTERS
SAY:

By continuing and amending various statutory provisions for the Texas Department of Criminal Justice (TDCJ), CSSB 2405 would better position TDCJ to confront ongoing challenges in safely confining, supervising, and providing services to convicted criminals in Texas while also preparing the department to address future crises. Requiring TDCJ to develop a 10-year facilities plan would help the agency respond more strategically to staffing shortages and capacity demands by improving long-term planning and resource management. These plans could help address issues that have led TDCJ to suspend operations in certain facilities due to chronic staffing shortages, while also preparing the agency for projected increases in the inmate population that could exceed capacities TDCJ is currently capable of managing.

Currently, TDCJ does not maintain an inventory of its rehabilitation programs or evaluate the majority of these programs for effectiveness, limiting the agency's ability to determine which programs are most impactful. Additionally, a lack of oversight can contribute to delays in program placement timelines for parole-contingent programs. By requiring TDCJ to inventory and evaluate these programs, the bill would allow for better planning and oversight of the agency's rehabilitation efforts and help address costly delays in parole-voted releases.

Transferring oversight of postsecondary education programs to the

Windham School District would restore and strengthen educational opportunities for incarcerated individuals. Windham is better positioned to manage education services, as data shows that the prior transfer of oversight to TDCJ has led to a decrease in access and enrollment, and Windham's mission is more specifically aligned with the goal of educating inmates.

By requiring the review and evaluation of parole decisions, the bill would address concerns that have been raised about variation in parole outcomes and support the uniform application of standards, reducing potential risks to public safety and the drain on state resources as a result of poorly made determinations. Evidence has shown that inconsistent parole decisions can undermine faith in the review process and the transparency of the criminal justice system, and CSSB 2405 would enhance fairness, transparency, and public safety in the parole system.

By requiring training and medical report reviews in medically recommended intensive supervision cases, the bill would ensure that release decisions for elderly or seriously ill inmates were informed by accurate medical information and consistent standards.

CRITICS
SAY:

While CSSB 2405 implements needed reforms within TDCJ, the bill falls short of establishing specific, outcome-based performance measures that could better its rehabilitation programs. Without defined metrics for success or failure or a requirement that reports be open and available to the public, program evaluation measures may not substantively improve the agency's parole and rehabilitation programs. The bill should ensure that program evaluation data is clearly linked to tangible, data-based improvements and that performance criteria is specific enough to ensure that data collected is reliable and useful. Additionally, TDCJ should collaborate with qualified external researchers who can offer objective insights and help develop more effective performance measures.

Coordination of postsecondary education efforts also could be hindered by the absence of formal data-sharing requirements between Windham, TDCJ, and related agencies. In addition, the bill should require TDCJ and

Windham to enter into a memorandum of understanding to formalize the administrative transfer of higher education responsibilities. Without such mechanisms, the effectiveness of education delivery in correctional settings could remain fragmented.

The bill also should do more to improve medically recommended intensive supervision (MRIS) by providing for a presumption of release for eligible sick or elderly inmates unless the board finds by clear and convincing evidence that the individual would still pose a public safety risk.

OTHER
CRITICS
SAY:

CSSB 2405 should go further to address systemic issues in Texas prisons, such as high incarceration rates and exonerations, by including provisions aimed at long-term reduction in the incarcerated population and addressing wrongful convictions. More comprehensive reforms are needed to address pervasive health and safety risks and critical staffing shortages in TDCJ facilities.

NOTES:

According to the Legislative Budget Board, the fiscal implications of the bill cannot be determined due to a lack of data on the number of individuals affected by changes to parole release rules, which may result in a change in demand on state correctional resources. The fiscal implications of developing a long-term facilities and staffing plan also cannot be determined because TDCJ may need to contract with a private vendor to complete the plan, and the cost of that contract is unknown.