

GOVERNMENT CODE

CHAPTER 76. COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENTS

§ 76.001. DEFINITIONS. In this chapter:

- (1) "Board" means the Texas Board of Criminal Justice.
- (2) "Community supervision" has the meaning assigned by Section 2, Article 42.12, Code of Criminal Procedure.
- (3) "Council" means a community justice council.
- (4) "Department" means a community supervision and corrections department established under this chapter.
- (5) "Division" means the community justice assistance division of the Texas Department of Criminal Justice.

Added by Acts 1995, 74th Leg., ch. 76, § 7.11, eff. Sept. 1, 1995.

§ 76.002. ESTABLISHMENT OF DEPARTMENTS. (a) The district judge or district judges trying criminal cases in each judicial district and the statutory county court judges trying criminal cases in the county or counties served by the judicial district shall:

- (1) establish a community supervision and corrections department; and
- (2) approve the department's budget and community justice plan.

(b) Repealed by Acts 2005, 79th Leg., ch. 255, § 12.

(c) Except as provided by Subsection (d), one department serves all courts and counties in a judicial district if:

- (1) two or more judicial districts serve a county; or
- (2) a district includes more than one county.

(d) The board may adopt rules to allow more than one department to serve a judicial district that includes more than one county if providing more than one department will promote administrative convenience or economy or improve services.

(e) The board may adopt rules allowing departments to contract with one another for services or facilities.

Added by Acts 1995, 74th Leg., ch. 76, § 7.11, eff. Sept. 1, 1995. Amended by Acts 2005, 79th Leg., ch. 255, § 1, 12, eff. May 30, 2005.

§ 76.003. COMMUNITY JUSTICE COUNCIL. (a) A community justice council must be established by the judges described by

- (2) the chief of police of the most populous municipality served by the department;
- (3) the chief juvenile probation officer of the juvenile probation office serving the most populous area served by the department;
- (4) the superintendent of the most populous school district served by the department;
- (5) the supervisor of the Department of Public Safety region closest to the department, or the supervisor's designee;
- (6) the county or regional director of the Texas Department of Mental Health and Mental Retardation with responsibility for the area served by the department;
- (7) a substance abuse treatment professional appointed by the Council of Governments serving the area served by the department;
- (8) the department director;
- (9) the local or regional representative of the pardons and paroles division of the Texas Department of Criminal Justice with responsibility for the area served by the department;
- (10) the representative of the Texas Workforce Commission with responsibility for the area served by the department;
- (11) the representative of the Texas Rehabilitation Commission with responsibility for the area served by the department;
- (12) a licensed attorney who practices in the area served by the department and whose practice consists primarily of criminal law;
- (13) a court administrator, if one serves the area served by the department;
- (14) a representative of a community service organization that provides adult treatment, educational, or vocational services to the area served by the department;
- (15) a representative of an organization in the area served by the department that is actively involved in issues relating to defendants' rights, chosen by the county commissioners and county judges of the counties served by the department; and
- (16) an advocate for rights of victims of crime and awareness of issues affecting victims.

Added by Acts 1995, 74th Leg., ch. 76, § 7.11, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, § 9.02(a), 9.03(a), eff. Sept. 1, 1997; Acts 2005, 79th Leg., ch. 255, § 2, eff. May 30, 2005.

* § 76.004. DEPARTMENT DIRECTOR; FISCAL OFFICER. (a) The * judges described by Section 76.002 shall appoint a department director who must meet, at a minimum, the eligibility requirements for officers established under Section 76.005.

(a-1) The department director shall perform or delegate the responsibility for performing the following duties:

(1) overseeing the daily operations of the department;
(2) preparing annually or biennially a budget for the department;
~~*~~ (3) negotiating and entering into contracts on behalf of the department; ~~*~~

(4) establishing policies and procedures for all functions of the department;

(5) developing personnel policies and procedures, including disciplinary proceedings; and

(6) establishing procedures and practices through which the department will address an employment-related grievance.

(b) The department director shall employ a sufficient number of officers and other employees to conduct presentence investigations, supervise and rehabilitate defendants placed on community supervision, enforce the conditions of community supervision, and staff community corrections facilities. A person employed under this subsection is an employee of the department and not of the judges or judicial districts.

(c) The judges described by Section 76.002 may appoint for the department a fiscal officer, other than the county auditor. The fiscal officer is responsible for:

(1) managing and protecting funds, fees, state aid, and receipts to the same extent that a county auditor manages county funds and funds of other local entities;

(2) ensuring that financial transactions of the department are lawful and allowable; and

(3) prescribing accounting procedures for the department.

(d) The judges described by Section 76.002 may appoint a person as fiscal officer only after investigating the person and determining that the person is:

(1) a person of unquestionably good moral character and intelligence; and

(2) a financial officer with at least two years' experience in auditing and accounting.

(e) A fiscal officer appointed under this section, before beginning employment and not later than the 20th day after the date of appointment, shall:

(1) take an oath stating that the person meets the qualifications required by this section and will not have a personal interest in any contract entered into by the department; and

(2) execute a good and sufficient surety bond that:
(A) is in the amount of \$5,000 or more;
(B) is approved by and payable to the judges described by Section 76.002; and

(C) is conditioned on the faithful performance by the fiscal officer of the officer's duties.