

SPECIALTY COURTS



AN ISSUE BRIEF FROM LEGISLATIVE BUDGET BOARD STAFF

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OBJECTIVE

Texas' trial courts provide judicially supervised, community-based treatment plans to certain offenders that meet specific eligibility criteria to avoid incarceration, reduce recidivism, and reintegrate defendants back into society.

KEY FACTS

- ◆ Specialty courts target specific types of offenses or offenders, with drug courts being the most numerous.
- ◆ Specialty courts work with offenders through post-conviction treatment plans to help offenders avoid repeat offenses and to reintegrate them back into society.
- ◆ Specialty courts are funded through a mix of state, federal, local, and participant funding.

BUDGETARY IMPACT

The Eighty-fourth Legislature, 2015, appropriated approximately \$16.5 million in All Funds to state agencies to fund specialty courts through grants to counties.

STATUTORY REFERENCES

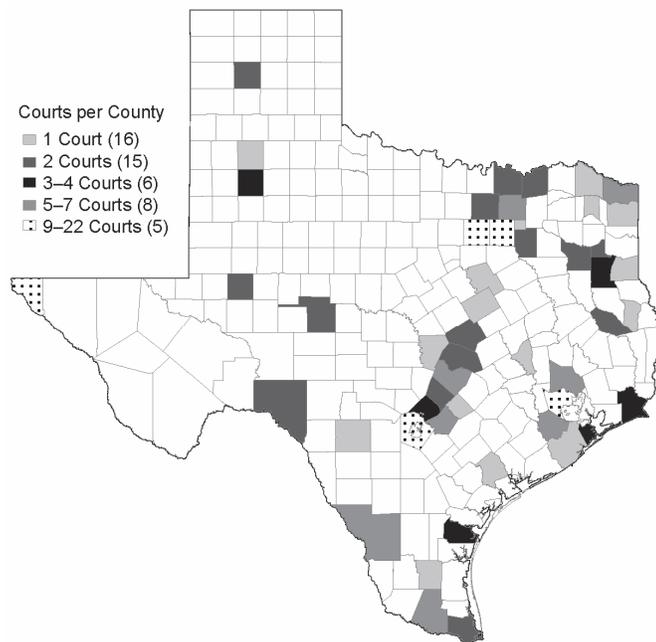
The Texas Government Code, Title 2, Subtitle K

Specialty courts are trial courts with specialized dockets that often hear only nonviolent cases for either certain types of defendants or offenses. These courts' processing includes judicially supervised, community-based treatment plans with participation requirements. The goal of this process is to guide offenders along a path that avoids incarceration, reduces the likelihood of a repeat offense, and reintegrates the defendant into society.

Specialty courts include preadjudication and post-adjudication settings. In a preadjudication setting, a defendant charged with an offense within the specialty court's jurisdiction most often is recommended to the court by a judge after consulting with the district attorney. Judges arbitrate and coordinate service to accommodate offenders with specific needs. In a post-adjudication setting, the convicted offender is transferred to the specialty court from the convicting court to administer sentencing. Following conviction in either setting, the court holds status hearings to review offenders' treatment plans. Incentives can be offered to reward adherence to court conditions, and sanctions can be imposed on participants that do not follow participation requirements. The first specialty court established in Texas was a drug court in 1990. Since its establishment, the number of specialty courts has increased to 191. **Figure 1** shows the location of specialty courts by county. These courts target types of offenses such as prostitution, driving while intoxicated (DWI), or drug offenses; or certain offenders, such as

FIGURE 1
SPECIALTY COURTS BY COUNTY, FISCAL YEAR 2016

TOTAL: 191 COURTS



SOURCE: Office of the Governor, Criminal Justice Division.

veterans or those with mental health problems. **Figure 2** shows specialty courts by type as of May 2016.

FUNDING

Specialty courts are funded through federal, state, local, private, and participant funding. State and local funding typically constitute the largest components. State funding designated for specialty courts is provided through a number of state agencies. In addition, counties may require program participants to either pay a participation fee or to pay for the cost of treatment services. Collected funds are used to offset the cost of maintaining the court. During fiscal year 2015, 22 specialty courts reported collecting participation fees.

The largest amount of state funding is provided through the Office of the Governor, Criminal Justice Division (CJD). In fiscal year 2016, CJD allocated approximately \$11.6 million in General Revenue–Dedicated Funds from the Criminal Justice Planning Account for discretionary grants to 89 courts, with an average award of \$131,000 per court. Of the total amount, \$750,000 is designated for drug courts, and approximately \$1.5 million is for prostitution courts. Approximately \$9.4 million is available for distribution to counties for other specialty courts. In fiscal year 2015, 2,178 offenders, representing 61.0 percent of total participants, completed specialty court programs through courts that received CJD grant funding.

The Texas Department of Criminal Justice (TDCJ) provides grant funding to county Community Supervision and Correction Departments for specialty courts. During fiscal year 2016, TDCJ provided \$3.1 million through 24 grants. These grants were distributed to 16 counties to support drug courts, mental health courts, DWI courts, and other specialty courts. The Texas Veterans Commission was appropriated \$750,000 in General Revenue Funds and \$750,000 million in General Revenue–Dedicated Funds from the Fund for Veterans’ Assistance Account for each year of the 2016–17 biennium. These appropriations fund grants to counties for Veterans Treatment Court Programs. The Department of State Health Services provided \$300,000 for fiscal year 2016 to courts with mental health dockets located in the Texas Panhandle.

OVERSIGHT

The state oversees specialty courts through the nine-member Specialty Courts Advisory Council (SCAC). This council evaluates applications for grant funding and makes recommendations to CJD on funding distribution and specialty court best practices. Factors the council considers for grant funding include the quality of the grant application; the court’s capacity to manage the grant and to collect and report data; and previous outcomes in grant renewal applications.

Senate Bill 462, Eighty-third Legislature, Regular Session, 2013, required specialty courts to register with CJD and to follow programmatic best practices, defined by the SCAC and approved by the Texas Judicial Council, as a precondition for eligibility to receive state and federal grants. Best practice examples include: court eligibility and exclusion criteria predicated on empirical evidence indicating which types of offenders may be treated effectively; and participants receiving substance abuse treatment based on a standardized needs assessment.

USEFUL REFERENCES

Office of the Governor, Criminal Justice Division, listing of Texas specialty courts: gov.texas.gov/cjd/programs
 Legislative Budget Board, *Financing the Judiciary in Texas, Legislative Primer*:
www.lbb.state.tx.us/Documents/Publications/Primer/1508_Financing_the_Judiciary.pdf

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FIGURE 2
SPECIALTY COURTS BY TYPE, FISCAL YEAR 2016

