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A thrifty move: Lightening up a bit on those who light up

By Bud Kennedy

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Your "tough on crime" Texas Legislature has decided to lighten up.

Or maybe I should say light up.

Clearing Texas' hazy drug laws, lawmakers have given police the choice of issuing a court summons -- similar to a ticket -- to pot smokers.

As of Sept. 1, possession of up to 4 ounces of marijuana can be enforced by a simple summons.

That's not the only crime that no longer includes a ride to jail under a bill signed last week by Gov. Rick Perry.

As of Sept. 1, law officers can also choose to issue a summons for:

Theft or hot checks under \$500.

Criminal mischief or graffiti involving damage under \$500.

Driving without a license.

"We want to get tough on crime, but we also want to get smart on crime," said state Rep. Jerry Madden, the author, a Plano insurance agent.

"Let's not spend a lot of taxpayers' money putting people in jail who don't need to be there," Madden said. "Let's give local police more discretion."

You might think this idea came from liberal Democrats.

Wrong.

It came from thrifty Republicans.

"The idea was to free up more county jail space and law officers' time for violent offenders and sex offenders," said Marc Levin of the Austin-based Texas Public Policy Foundation, a conservative organization that lobbied for House Bill 2391.

"We looked at how to save counties money. We always came back to the same answer: Take the low-level offenders out of the county jail."

As of Thursday, 302 misdemeanor suspects were among the 3,498 jailbirds awaiting trial in Tarrant County.

They're living off our dime because they can't afford to make bail.

"Some of these people are taking up jail space at \$60 a day," Levin said.

He quoted a 1999 Washington study showing that a typical arrest costs taxpayers almost \$4,000, figuring in jail costs; judges' and prosecutors' time; indigent defense costs; the cost of transporting prisoners to jail and to court hearings; and the value of the arresting officer's lost patrol time.

"There is no reason for an officer to spend three hours putting somebody in jail when they could write a ticket," Levin said.

Officers already decide whether to jail or ticket offenders on Class C misdemeanor charges.

Technically, in Texas you can be locked up for any violation except speeding or driving with an open container of alcohol.

"We already give police that decision," Madden said. "All this bill does is give police more power to make decisions."

The new law does not reduce the fine or punishment for any crime. Possession of marijuana and petty theft remain Class A or B misdemeanors punishable by up to a \$4,000 fine or a year in jail.

Under the new law, suspects will be issued a summons and told to appear in court within 48 hours.

If they don't show up, then a judge can issue a warrant for their arrest.

Madden said lawmakers chose the 4-ounce Class A misdemeanor marijuana limit "based on whether a person is a user and not a dealer."

Law enforcement advocates and conservatives such as former lawmaker Suzanna Hupp of Lampasas supported the bill. It passed with considerable news coverage in San Antonio, but Tarrant County officials said they hadn't seen it.

Terry Grisham, the spokesman for Sheriff Dee Anderson, said the law's success will rest on "officer discretion."

"If you get pulled over by a cop tonight, that officer makes a decision whether to take you to jail, write you a ticket or let you go," Grisham said. "That's not changing."

You could say that the Texas Legislature came up with a new slogan for pot smokers and petty offenders:

If you do the crime, you come back later and pay the fine.