



CENTER FOR EFFECTIVE JUSTICE

March 30, 2005

Texas House Criminal Jurisprudence Subcommittee on Enhancements

Testimony of Marc Levin on HB1290 by Flynn Creating Health Care Cost Fee for Convicted Criminals

I am pleased to appear before Chairman Hodge and the other distinguished members of this subcommittee.

I represent the Texas Public Policy Foundation, a non-profit organization created 15 years ago to research and inform state policy guided by the principles of limited government, free markets, private property rights, individual liberty, and personal responsibility. The Foundation's Center for Effective Justice was founded earlier this year to study criminal justice issues and to develop and promote new public policy approaches that work to repair the harm done to victims, reduce recidivism, and minimize the costs to the taxpayer.

We support the restorative justice principle that criminals should compensate victims and society for the harm that they have done. While the harm done to individual victims of crime should be the central focus of our criminal justice policies, we must also recognize that criminals impose a cost on society because federal courts have given them a right to virtually unlimited free health care.

The costs of inmate health care are enormous. The state estimates that it costs over \$500 a day to keep a prisoner in the hospital and the prison hospital at the University of Texas Medical Branch at Galveston recently announced they will run out of money in a matter of months. County jails face these same skyrocketing health care costs.

This bill would raise a modest sum of money by imposing a \$3 inmate health care fee on all criminals convicted of any offense. For example, the \$278,000 it would produce for Harris County would be a good start, but it would not begin to cover all of Harris County's inmate health care costs.

Rather than charging this same low fee to those who commit Class C misdemeanors for which there is no jail time and to violent criminals who receive long sentences, this committee might wish to consider modifying this legislation to create a sliding fee scale according to the length of incarceration, if any. This could offset a far greater share of inmate health care costs while building fairness into the law by linking the fee amount to the estimated health care costs imposed by a particular criminal.

While many inmates have very limited funds, expanding prison work programs could allow inmates to earn money while in prison that could, in turn, be used to both compensate the state for their share of health care costs and compensate their individual victims for the harm they inflicted upon them. There is legislation pending this session to allow prison manual labor programs to make goods for higher education institutions and charities, in addition to the state agencies that currently receive products through these programs.

Thank you for your consideration and I would be pleased to answer any questions.