



Center for Effective Justice: Review of the 82nd Session of the Texas Legislature

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CORRECTIONS BUDGET

- ★ The Legislature trimmed \$101.9 million in the adult corrections budget, including more than \$40 million in savings from closing the Central Unit in Sugarland. This marks the first time in Texas history that a high security adult prison has been shuttered. The 82nd Legislature continued funding programs such as drug courts and correctional substance abuse and mental health treatment that were expanded in 2007 and that have been utilized by judges and prosecutors to divert appropriate nonviolent offenders from prison.
- ★ Through Sen. John Whitmire's SB 653, the Legislature consolidated the state's two juvenile justice agencies, the Texas Youth Commission and the Texas Juvenile Probation Commission. This enabled Texans to save \$84.1 million on juvenile justice spending compared with the current biennium. Moreover, troubled youths will now benefit by transitioning from ineffective, costly, and geographically remote youth facilities to more local community-based treatment and supervision programs. SB 653 includes a provision developed by the Foundation that requires the new agency to utilize results-oriented performance measures focusing on recidivism, educational and vocational progress, and victim restitution to measure the effectiveness of programs and incorporate the results into decisions concerning which programs to fund.

REFORMING OFFENDERS WHILE HOLDING THEM ACCOUNTABLE

- ★ Unlike inmates in state prisons, those in state jail are ineligible for good time credits, even though they have been convicted of lower-level crimes, such as shoplifting, hot check writing, or possession of less than a gram of drugs. Under HB 2649, by Rep. Alma Allen, many state

jail felons can now earn credits of up to 20 percent towards satisfying their sentences through the successful completion of self-improvement programming, including vocational, educational, and treatment programs while avoiding any disciplinary violations. The legislation encourages personal responsibility by offering inmates a positive incentive and provides wardens with a useful tool for inmate management. It is projected to save \$49 million over the biennium.

- ★ HB 1205 is a bill approved as model legislation by the American Legislative Exchange Council that encourages positive behavioral changes and personal betterment for probationers through the use of time credit incentives for completion of treatment and programming (e.g., education, vocation, life skills courses). Receipt of credit toward each probationer's sentence would be contingent upon full satisfaction of victim restitution and judicial consent. A judge would be able to deny the credit if the probationer later slips up or if the judge determines the probation term needs to be extended. Only nonviolent probationers convicted of a low-level felony are eligible for the credits.
- ★ SB 1055 by Sen. John Carona brings fiscal balance to the criminal justice system by giving local jurisdictions the opportunity to receive a share of the state's savings to strengthen local public safety strategies. Counties may submit a plan to the state whereby they would receive between 35 and 60 percent of the state's savings on prison costs based on sentencing and revoking fewer nonviolent offenders to prison and reducing recidivism among probationers, increasing the percentage of probationers current on their victim restitution payments, and increasing the percentage of probationers who are employed.
- ★ HB 1994 by Rep. Randy Weber would provide authority for counties across the state to implement a prostitution

diversion program that would divert first-time offenders. As a pilot program in Waco, this initiative has substantially reduced recidivism and costs.

- ★ Two important bills—SB 167 and SB 462—will make it easier in appropriate cases for ex-offenders to have either their arrest and/or conviction records sealed if the case is dismissed or they are subsequently exonerated.

JUVENILE JUSTICE

- ★ An important amendment in HB 359 by Rep. Helen Giddings wisely limits the authority of school districts to discipline students who are at or below the sixth grade by issuing a Class C misdemeanor citation for a violation of the Education Code. These citations are frequently given for routine misbehavior that should be dealt with in the school, such as cursing, chewing gum, and speaking too loudly. Sometimes citations are given to students as young as age 10. The citations are ineffective at changing students' behaviors (because young students do not understand the citations, nor do they have the resources to pay them), and they merely serve to place students unnecessarily into a municipal or justice of the peace court. Limited judicial and correctional resources should not be used for minor misbehavior that can more effectively and efficiently be addressed within the school and through parental involvement.
- ★ SB 1209 allows counties to keep juveniles in juvenile detention instead of county jail when they are pending a hearing on whether they will be certified to stand trial as adults. Research has demonstrated that youths banished to adult lockups are more likely to be abused and have higher recidivism rates.
- ★ SB 1489 encourages the adoption of evidence-based truancy prevention measures that have been proven to minimize the number of truant students sent to the courts and requires school districts state what preventive approaches they have taken when filing a criminal complaint against a student or parent. It also allows students who ultimately graduate to expunge their truancy criminal record, providing a positive incentive to get on

the right track. Furthermore, SB 1489 eliminates a disincentive for adults under 21 wishing to complete high school by removing the authority to criminally charge adults who return to school, but who are unable to complete the school year.

EMPOWERING & RESTORING CRIME VICTIMS

- ★ SB 1010 by Sen. Joan Huffman requires that prosecutors provide notice to a crime victim, guardian of a crime victim, or close relative of a deceased crime victim of a plea bargain agreement in certain criminal cases.
- ★ HB 2124, also by Sen. Huffman, requires that notice be provided to a crime victim when a defendant who was acquitted by reason of insanity is released from custody. Since such defendants are not acquitted on the basis that they did not commit the act, it is appropriate for the victim to be informed of their release.

OVERCRIMINALIZATION AND OCCUPATIONAL LICENSING

- ★ HB 2189 by Rep. Elkins legalized “noodling”—using one’s bare hand to catch catfish—an act which has up until now been a crime.
- ★ HB 3167 by Rep. Bill Callegari ended state occupational licensing of personnel services and talent agencies. Evidence presented to the legislature suggested that the regulation to license personnel services was not justified by any compelling public safety or consumer protection rationale and had become outdated as more job seekers turned to the internet to look for work.
- ★ HB 405 by Rep. Chente Quintanilla did not pass. This legislation would have burdened individuals and businesses with unnecessarily severe criminal penalties for improper storage and disposal of tires. Local governments can already regulate tire disposal, and this legislation would have resulted in 11.5 new full-time equivalent positions for new state bureaucrats to oversee the program.

