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**TESTIMONY 2013**

**H.B. 212**

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of House Bill (H.B.) 212, an effective policy that will improve efficiency in our courts and reduce unnecessary pretrial incarceration. H.B. 212 improves the judicial process by ensuring that certain issues that may render a trial unnecessary are addressed during the pretrial process. This will avoid unnecessary court costs and can ultimately reduce court dockets.

**MANDATING PRETRIAL HEARINGS AT EITHER PARTIES' REQUEST WILL DECREASE TRIAL COSTS AND REDUCE THE NEED TO KEEP INDIVIDUALS IN DETENTION WHILE AWAITING TRIAL**

Pretrial hearings offer an opportunity to rule on the admissibility of evidence, as well as other important issues that can determine whether a case goes to trial. This is critical because, in many cases, a pretrial hearing will avoid the need for trial, thereby saving counties and taxpayers unnecessary costs.

Current law permits judges to schedule pretrial hearings when and if they see fit. The governing statute only provides that a judge "may" hold a hearing. As a result, some hearings that could eliminate the need for a full trial are never scheduled, forcing the parties to go to court even when the only issue is addressable in a pretrial setting. Bringing the State, the trial judge, the defendant, and a jury into the courtroom to litigate issues related to pretrial matters is economically inefficient.

H.B. 212 improves the judicial process and saves the state money by mandating a judge to set a pretrial hearing if either party requests it. This improves efficiency by forcing courts to address certain issues in a pretrial setting prior to trial—before embarking on a costly trial and before hailing all parties, a judge, and a jury into court.

**KEY FINDINGS**

- Between February 2012 and January 2013, Texas' county jails housed an average of over 10,000 people charged or convicted of a misdemeanor, accounting for over 15% of the state's total county jail population. At a cost of \$59 per person per day, this population costs taxpayers nearly \$610,000 per day.<sup>1</sup>
- As of January 1, 2013, pretrial detainees made up approximately 60% of Texas' county jail population.<sup>2</sup> H.B. 212 will help reduce the time and money spent keeping such individuals in pretrial detention by increasing efficiency in the pretrial process, and forcing courts to address evidentiary issues early in the process.

**COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 212 BY VICE CHAIRMAN ALONZO**

- **H.B. 212 will ensure that only reliable evidence is admissible in a trial court.** H.B. 212 amends Article 28.01, Code of Criminal Procedure by mandating a court to set a pretrial hearing in any criminal case if the state or defendant requests the hearing no later than 60 days prior to the trial. It also requires the hearing to be held no later than the 30th day before the trial commences.
- **H.B. 212 will enhance judicial economy by requiring the Judge to conduct a pretrial hearing upon request by the State or the defense.** If the primary dispute is the legality of evidence, or any other dispositive issue, it is more cost effective and economically sustainable for the state to address the issue before bringing all parties, judges, and a jury into court for a full trial.

*Citations on reverse.*

## Citations

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<sup>1</sup> Brandon Wood, Assistant Director of the Texas Commission on Jail Standards (TCJS), e-mail messages to Travis Leete, Texas Criminal Justice Coalition (TCJC), 4, 12, 13, and 16 April 2012; Brandon Wood, Assistant Director of TCJS, telephone conversation with Travis Leete, TCJC, 12 April 2012; Texas Commission on Jail Standards, "Texas County Jail Population," 1 January 2013, available at <http://www.tcjs.state.tx.us/docs/POPSUMCurrent.pdf>. County jails housed an average of 6,645 pretrial misdemeanants and 3,662 convicted misdemeanants. The average local population in county jails since February of 2012 amounts to 56,403 people; the average contracted population is nearly 8,309 people. Taken together, this amounts to a total population of 64,712.

<sup>2</sup> Texas Commission on Jail Standards, "Texas County Jail Population," 1 January 2013, available at <http://www.tcjs.state.tx.us/docs/POPSUMCurrent.pdf>. County jails housed 36,414 pretrial detainees and a total population of 61,196 individuals.