HB 931: Safely Prevent Probation Revocations Through Treatment Programming

Texans on Probation with a Substance Use Disorder Are Unfairly Revoked to Incarceration

Substance Use Disorder is a complex, chronic disease characterized by compulsive drug seeking and use that is hard for a person to control, despite harmful consequences. Abstaining from drugs takes more than a strong will, and it is common for a person to relapse. However, relapse does not mean that treatment is not working; because this disease is chronic, treatment is intended to be ongoing and should be adjusted to a client’s needs.

The website for the Texas Department of Criminal Justice’s Community Justice Assistance Division (TDCJ-CJAD) explains that probation departments may offer substance use treatment programming that includes “a continuum of care ranging from screening/assessment, outpatient, intensive outpatient and residential programs to treat those under community supervision with drug and/or alcohol problems.” It is vitally important to focus on the continuum of care and on rehabilitation, rather than on revocation and incarcerating individuals due to their substance use.

### Reflecting a Continuum of Care

![Continuum of Care Diagram](image)

**Note:**

Within the five broad levels of care (0.5, 1, 2, 3, 4), decimal numbers are used to further express gradations of intensity of services. The decimals listed here represent benchmarks along a continuum, meaning patients can move up or down in terms of intensity without necessarily being placed in a new benchmark level of care.


### Key Facts

- Nationally, over 52 percent of people who are arrested multiple times have a diagnosed Substance Use Disorder.
- As people battle addiction, they move up and down the continuum of care. Relapse is normal, and lifelong maintenance is required.
KEY FACTS [CONTINUED]

• It costs the state $64.35 per day to incarcerate an individual, and $3.88 per day for community supervision. Revoking and incarcerating an individual due to relapse comes with great fiscal costs, and it ignores underlying needs for treatment and support. The money spent incarcerating individuals with a Substance Use Disorder could be better spent funding community-based treatment efforts, including for people already on probation to better ensure their success, especially in rural areas and Texas counties that lack treatment services.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 931 BY REPRESENTATIVE SHERMAN, SR.

HB 931 protects people on probation with a substance use disorder from revocation solely based on relapse. It requires judges to modify terms of probation or place individuals back into treatment programming instead of revoking community supervision, emphasizing treatment over incarceration.

Citations

2 Ibid.
3 Texas Department of Criminal Justice, Community Justice Assistance Division (TDCJ-CJAD), Rehabilitation and Victim Services Programs, https://www.tdcj.texas.gov/divisions/cjad/rehab.html.