



2013 LEGISLATIVE WRAP-UP & APPRECIATION

A MESSAGE FROM THE EXECUTIVE DIRECTOR

Dear TCJC Supporter,

The Texas Criminal Justice Coalition (TCJC) previously released a legislative wrap-up after the state’s 2013 regular legislative session concluded. This wrap-up includes additional information in light of Texas’ two special sessions, specifically on legislation relating to juvenile justice.

However, this newsletter contains the originally included comprehensive information about the regular session, including the **50 smart-on-crime policies** that have been signed into law! As we noted, these policies will positively impact the youth justice system, defense and innocence-related practices, efforts to safely reduce incarceration, and confinement and reentry systems.

On behalf of the TCJC Team, I must thank the Representatives, Senators, legislative staffers, practitioners, advocates, and others who continued to prove their commitment to responsible strategies that will create a more efficient and balanced justice system, and address the unmet needs of Texans. We offer a special thanks to legislators on pages 3-11 of this newsletter.

I must also thank the TCJC staff for their tireless dedication to furthering these critical strategies. Their comprehensive research, public education efforts, and contributions to the overall reform dialogue have facilitated key improvements to Texas’ juvenile and criminal justice systems.

Lastly, **I must thank the TCJC Board** for its ongoing support of our overarching goal to create stronger Texas families, less taxpayer waste, and safer communities.

Now the work really begins! As new policies begin to take effect, the TCJC Team will work with practitioners to ensure they understand and fully implement these positive reforms. Throughout the remainder of the year, please keep an eye out for upcoming resources that will assist the implementation effort.



With much gratitude,

Ana Yáñez-Correa, Ph.D.
Executive Director

For more detailed analyses of Texas’ 2013 juvenile and criminal justice policies, please visit our Public Policy Center at www.TexasCJC.org/filed-bills-2013. You will find fact sheets, testimony, and other information about these policies.

For a list of successful policies only, please visit www.TexasCJC.org/successful-bills-2013. These pages will provide you with a brief summary of each policy, including Sunset and budget legislation.

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Appreciation for TCJC Staff

By Dr. Ana Yáñez-Correa

Although I mentioned it before, I cannot overstate how much I appreciate my amazing TCJC staff. For all of their hard work over the last several months, I must acknowledge the following talented men and women: Jennifer Carreon, Caitlin Dunklee, Jane Ehinmoro, Travis Leete, Benet Magnuson, Leah Pinney, Jorge Renaud, Jannell Robles, Molly Totman, and Claudia Warner.

I must also extend my gratitude to the interns and volunteers who have helped TCJC accomplish our organizational goals throughout this past year. I thank the following individuals for their support and assistance: Rebecca Bailey, Michelle Delphia, Sandra Rodriguez, Maria Rooijakkers, and Mark Weimer.

During Texas' recent legislative session, TCJC was also fortunate to receive two interns from Senator Rodney Ellis' Texas Legislative Internship Program: Mercadi Crawford and Amir Tavakkoli. Both were honored via a Senate resolution for their hard work on behalf of TCJC:

- [SR 906](#): *Recognizing Amir Tavakkoli for his participation in the Texas Legislative Internship Program.*
- [SR 930](#): *Recognizing Mercadi Crawford for her participation in the Texas Legislative Internship Program.*

Congratulations Amir and Mercadi!

And finally, I must reiterate my sincere appreciation for TCJC's Board of Directors, whose support of our Team and mission have helped sustain TCJC's work. Many thanks to Gerardo Castillo, Eric Glenn, William Harrell, Robert Jones, Sandra Martinez, Adan Muñoz, Jr., and Jennifer Rogers.



TCJS's Legislative Interns, Amir Tavakkoli and Mercadi Crawford



TCJC Team Members with Michele Deitch



TCJC Team Members at House Corrections Committee

Legislator Appreciation

The Texas Criminal Justice Coalition is humbled to have worked with a broad spectrum of members during the 83rd State Legislative Session. We thank these members for opening their doors to us and to other advocates. We honor those who work tirelessly on behalf of the incarcerated, the dispossessed, and the disadvantaged. We also honor those whose bedrock ideals are rooted in public safety and economic prudence, and whose willingness to reach across the aisle makes justice reform possible.

We must express our gratitude to the following committees for ALL of their hard work and dedication to improving Texas' criminal and juvenile justice systems: the House Appropriations Subcommittee on Articles I, IV & V; the House Calendars Committee; the House Corrections Committee; the House Criminal Jurisprudence Committee; the House Local & Consent Calendar; the House Public Education Committee; the Senate Criminal Justice Committee; the Senate Education Committee; the Senate Finance Committee; the Senate Jurisprudence Committee; and the Sunset Advisory Commission.

We must additionally extend our deep gratitude and admiration to legislative staff and committee clerks, for their patience, expertise, and unwavering commitment to ensuring the legislative process is a process worthy of Texans.

Below is an alphabetical list of members who authored or sponsored legislation that TCJC believes will build stronger families, create less taxpayer waste, and foster safer communities. Our sincerest apologies if we have inadvertently left anyone or any legislation off this list.

House Of Representatives



Vice Chairwoman Dr. Alma Allen – Bills Authored: House Bills 471, 877, 1070, 1543, 1544, 1934, 2650, 2651, 2652, 3003, 3004

We thank Vice Chairwoman Allen for demanding that Texas prisons and youth facilities be accountable to Texans, efficient, and humane, and that programming reflects best practices. We also thank Vice Chairwoman Allen for her devotion to Texas schools and Texas children, as well as her voice for the often voiceless during Corrections Committee hearings.



Representative Roberto Alonzo – Bills Authored: House Bills 212, 3208

We thank Representative Alonzo for his advocacy to improve pretrial hearings, for his role in the Texas Indigent Defense Commission, and for his commitment to a more just defense system.



Representative Rafael Anchia – Bills Authored: House Bills 823, 3145; Bill Sponsored: Senate Bill 110

We thank Representative Anchia for his advocacy to assist those who have been wrongfully convicted, and for his compassion for their loved ones. We are grateful to him for his continual support of efforts to provide accurate and relevant information to ALL Texans, regardless of nationality.



Vice Chairwoman Carol Alvarado – Bill Authored: House Bill 482

We thank Vice Chairwoman Alvarado for her dedication to improving the lives of youth who have been impacted by the school-to-prison pipeline.



Representative Lon Burnam – Bills Authored: House Bills 587, 879, 2417, 3617; Bill Sponsored: Senate Bill 369

We thank Representative Burnam for proudly carrying the progressive banner, especially during Criminal Jurisprudence Committee hearings, and for his calm reminders of the very personal results of impersonal slashes to human services. We also thank Representative Burnam for his bipartisan efforts to end the state's failed Driver Responsibility Program.



Representative Terry Canales – Bills Authored: House Bills 349, 350, 1096, 1344, 2090, 2988, 2989, House Bill 72 (1st Special Session); Bill Sponsored: Senate Bill 1172

We thank Representative Canales for his determined stance against life without parole for juveniles, and for his recognition that youth must have an honest chance at redemption if they are to seek humanity within themselves and others. We also thank Representative Canales for his legal expertise and the important perspective he brought to the Criminal Jurisprudence Committee.



Chairman Garnet Coleman – Bills Authored: House Bills 3773, 3774

We thank Chairman Coleman for the voice he gives to those living with mental illness, and for his passionate dedication to improving the lives of differently abled Texans.



Chairman Harold Dutton – Bills Authored: House Bills 182, 184, 188, 191, 321, 327, 370, 439

We thank Chairman Dutton for his eloquence and for filing incredibly courageous bills that did not meet the approval of the more timid but were always rooted in integrity and compassion.



Vice Chairwoman Dawwna Dukes – Bill Authored: House Bill 2038; Bill Sponsored: Senate Bill 833

We thank Vice Chairwoman Dukes for her relentless efforts to improve the disproportionate effects of failed criminal justice policies on minorities throughout Texas, an uphill battle that many hesitate to fight.



Vice Chairman Joe Farias – Bills Authored: House Bills 634, 937

We thank Vice Chairman Farias for his undying support of Texas veterans, and for recognizing that duty to country should be continually honored, even after incarceration. We also thank Vice Chairman Farias for his uncompromising support of restorative juvenile justice policies and his belief in the reparative ability of the community.



Vice Chairwoman Helen Giddings – Bills Authored: House Bills 637, 946, 1231, 2040, 3371

We thank Vice Chairwoman Giddings for her tireless efforts in opposition to the school-to-prison pipeline, which impacts thousands of Texas' youngest children.



Representative Larry Gonzales – Bill Authored: House Bill 104

We thank Representative Gonzales for his zealous efforts to end the state's failed Driver Responsibility Program, which has burdened Texas families, lessened public safety, and resulted in more than a million unlicensed drivers on Texas roads. We also thank Representative Gonzales for his work on the Appropriations Subcommittee pertaining to criminal and juvenile justice, and Texas' defense system.



Chairman Ryan Guillen – Bills Authored: House Bills 62, 232, 577, 1266, 2719; Bill Sponsored: Senate Bill 1003

We thank Chairman Guillen for his commitment to improving the criminal justice system through data collection, for seeking improvements to the current use of administrative segregation, and for striving to improve the lives of those who have been touched by the juvenile and criminal justice systems.



Representative Mary González – Bill Authored: House Bill 2403

We thank Representative González for her commitment to justice, for always asking insightful questions about the impact of policies on the lives of Texans, and for fighting for those who are often forgotten.



Representative Ana Hernandez Luna – Bill Authored: House Bill 497

We thank Representative Hernandez Luna for her dedication to filing legislation that would keep juvenile history confidential, and for her belief that the mistakes of children need not follow them forever.



Chairman Abel Herrero – Bills Authored: House Bills 3057, 3058, 3059; Bills Sponsored: Senate Bills 394, 395, 592, 1114

We thank Chairman Herrero for his open door policy, and for always showing fairness and respect to everyone who entered his committee room, regardless of their passion, attitude, or ideology. We also thank Chairman Herrero for his determination to addressing the unintended consequences of zero-tolerance policies in Texas' public schools.



Representative Bryan Hughes – Bills Authored: House Bills 1608, 3336

We thank Representative Hughes for asking consistently thoughtful questions during Criminal Jurisprudence Committee hearings, for his efforts to hold the criminal justice system accountable, and for protecting the rights of Texans against governmental intrusion.



Vice Chairman Eric Johnson – Bills Authored: House Bills 466, 2801; Bill Sponsored: Senate Bill 107

We thank Vice Chairman Johnson for his impassioned, articulate presentation of solutions that will give women and men a second chance to live to their fullest potential, regardless of past circumstances, and for his interest in ensuring that those who have paid their dues to society better understand how to become civically involved.



Vice Chairman Lyle Larson – Bill Authored: House Bill 2266

We thank Vice Chairman Larson for his support in addressing Texas' school-to-prison pipeline, which impacts thousands of children in Texas every year.



Representative Oscar Longoria – Bill Authored: House Bill 1790

We thank Representative Longoria for his work ethic, for his ongoing commitment to doing the right thing by ALL Texans, and for not giving up despite tremendous opposition from those who turn a blind eye to best practices in the criminal justice system. We also thank Representative Longoria for his work on the Appropriations Subcommittee pertaining to criminal and juvenile justice, and Texas' defense system.



Chairwoman Ruth McClendon – Bills Authored: House Bills 166, 167, 1069, 2862, 3634; Bills Sponsored: Senate Bills 1356, 1517

We thank Chairwoman McClendon for the unforgettable example she sets each time she comes to the floor; her quiet voice and gentle demeanor do not negate her will of iron, her unquenchable spirit, or her full heart. Her wisdom and grace are truly inspirational and a model for all to follow. We also thank Chairwoman McClendon for her commitment to making right the terrible wrongs of a system that has sentenced the innocent to prison. Finally, we thank Chairwoman McClendon for her work on the Appropriations Subcommittee pertaining to criminal and juvenile justice, and Texas' defense system.



Vice Chairman Borris Miles – Bills Authored: House Bills 255, 256, 2854, 2855

We thank Vice Chairman Miles for his determination to ensuring that the voting process is fair and equitable, and for his willingness to see redemption in system-impacted youth and adults.



Representative Marisa Márquez – Bill Authored: House Bill 686

We thank Representative Márquez for her tremendous efforts and advocacy to improve the lives of those who find themselves in the criminal and juvenile justice systems, as well as their families.



Representative Joe Moody – Bill Authored: House Bill 3494

We thank Representative Moody for the eloquent common sense and humor he brought to committee hearings, to floor debates, and to personal relations, and for seeking out strategies that meet the needs of property owners while ensuring that youth are not tagged as criminals for the remainder of their lives.



Representative Sergio Muñoz, Jr. – Bill Authored: House Bill 801; Bills Sponsored: Senate Bills 358, 780, 1096

We thank Representative Muñoz for proactively seeking and listening to the concerns of all parties, and for advancing policies that improve the criminal justice system.



Representative Elliott Naishtat – Bill Authored: House Bill 1141

We thank Representative Naishtat for his unwavering dedication to improving the health of Texas families through access to basic needs, such as food, and for being a staunch progressive advocate throughout the years.



Chairman Tan Parker – Bill Authored: House Bill 2443; Bill Sponsored: Senate Bill 345

We thank Chairman Parker for the honest intellectual curiosity behind his probing questions, for his calm leadership in the Corrections Committee room, and for being open to suggestions and data from all sides.



Vice Chairman Charles Perry – Bill Joint Authored: House Bill 1188

We thank Vice Chairman Perry for his willingness to seek bipartisan answers to criminal justice and reentry issues that affect all Texans. We also thank Chairman Perry for his work on the Appropriations Subcommittee pertaining to criminal and juvenile justice, and Texas' defense system.



Representative Bennett Ratliff – Bill Authored: House Bill 1853; Bill Sponsored: Senate Bill 914

We thank Representative Ratliff for his dedication to advocating for and improving the lives of youth with special needs.



Chairman Richard Raymond – Bills Authored: House Bills 144, 977

We thank Chairman Raymond for his desire to strengthen future generations through greater access to needed treatment and other alternatives to less effective educational settings.



Chairwoman Debbie Riddle – Bill Authored: House Bill 3407; Bill Joint Sponsored: Senate Bill 1356

We thank Chairwoman Riddle for her compassion towards ALL Texas youth and for holding an uncompromised position against the incarceration of youth in adult prisons.



Representative Toni Rose – Bills Authored: House Bills 3531, 3533

We thank Representative Rose for her effervescent spirit, her commitment to expanding educational options for those behind bars, and her emphasis on improving family connections among the incarcerated and their loved ones. We also thank Representative Rose for her valued questions and opinions during Corrections Committee hearings.



Chairwoman Senfronia Thompson – Bills Authored: House Bills 797, 798, 799, 990, 1188, 1417, 1659, 1952, 2914, 3079; Bills Sponsored: Senate Bills 92, 825, 991, 1185, 1611

We thank Chairwoman Thompson for her many years of service to Texas as one of the longest standing members of the House of Representatives, for being so much to so many – mother, mentor, teacher, friend, leader – and for being the fiercest opponent or staunchest ally that anyone could fear or desire. We also thank Chairwoman Thompson for her commitment to providing system-involved individuals with a second chance, creating fair and just sentencing practices in Texas, and advancing policies that more effectively address addiction.



Representative Steve Toth – Bills Authored: House Bills 2803, 2804, 2811, 2812, 2881

We thank Representative Toth for his open-door policy, and his true commitment to listening to all perspectives in search of solutions that benefit all Texans. We also thank him for his willingness to ask key questions during Criminal Jurisprudence Committee hearings and for all of his efforts to further policies that hold bureaucracy accountable, foster collaboration among criminal justice system practitioners and volunteer and faith-based organizations, and reduce recidivism.



Vice Chairman Sylvester Turner – Bills Authored: House Bills 528, 529, 790, 933, 968, 1282, 1318, 1541, 2044, 2045, 2240, 2241, 2398, 2399, 2888, 3377; Bills Sponsored: Senate Bills 344, 484, 670, 990, 1292

We thank Vice Chairman Turner for his mastery of the back microphone, for his soaring oratory, and for his expertise in collaborating with his colleagues on both sides of the aisle to pursue policies that create greater accountability throughout both the juvenile and criminal justice systems while simultaneously making the system more humane and effective. We also thank Vice Chairman Turner for his role as the Chair of the Appropriations Subcommittee pertaining to criminal and juvenile justice, and Texas' defense system, including his successful advocacy of smart-on-crime budget riders. He is a true champion for justice that Texans can always count on.



Chairman Mike Villarreal – Bill Authored: House Bill 1479

We thank Chairman Villarreal for his adherence to implementing evidence-based juvenile justice policies and his ability and commitment to working collaboratively to achieve the greatest outcomes for Texas youth.



Vice Chairman Armando Walle – Bills Authored: House Bills 917, 918; Bill Sponsored: Senate Bill 1044

We thank Vice Chairman Walle for his dedication to improving accountability among school resource officers, along with his efforts to ensure that they receive the necessary training to better serve youth in Texas' public schools.



Vice Chairman James White – Bills Authored: House Bills 2733, 2734, 2736, 2849; Bills Sponsored: Senate Bills 1173, 1769

We thank Vice Chairman White for his critical role in the Corrections Committee, for his continuous reliance on data and input from practitioners on the ground to help inform important policy decisions, for refusing to give up the pursuit of policies that will produce the best outcomes for Texans, for his sincere friendliness, and for his willingness to collaborate with advocates that hold a wide range of perspectives.



Representative Gene Wu – Bills Authored: House Bills 2221, 2230, 2405

We thank Representative Wu for his continued efforts to ensure that, through reliable data, Texas stakeholders can make informed, effective decisions that will improve outcomes for youth and adults in the system. We also thank Representative Wu for his support of policies that will help men and women successfully reenter the community.

Senate



Chairman John Carona – Bill Authored: Senate Bill 1003

We thank Chairman Carona for his bipartisan attitude, and for the tenacity with which he ensured that Texas prisons examine the effects of administrative segregation on the mental health of incarcerated men and women, and on public safety for all Texans.



Vice Chairwoman Wendy Davis – Bills Authored: Senate Bills 833, 1304, 1357

We thank Vice Chairwoman Davis for her passion and dedication to advocating for the young, the incarcerated, and the voiceless.



Chairman Rodney Ellis – Bills Authored: Senate Bills 87, 89, 90, 91, 592, 1291, 1292, 1611; Bills Sponsored: House Bills 166, 577, 1544

We thank Chairman Ellis for his invaluable leadership, vision, integrity, and determination. We also thank Chairman Ellis for his commitment to improving Texas' indigent defense system, as well his passion for stopping wrongful convictions, and for his common sense approach to treating addiction. Additionally, we thank him for his creation and sponsorship of the Texas Legislative Internship Program, and for recognizing that opportunities extended to the youth of today will result in the leaders of tomorrow.



Senator Sylvia Garcia – Bills Sponsored: House Bills 797, 798

We thank Senator Garcia for advocating for those without the economic means to help themselves, and for her belief that those who have paid their debt to society be allowed to return to a dignified life and become valuable, contributing members of their communities.



Chairman Juan "Chuy" Hinojosa – Bills Authored: Senate Bills 358, 780, 1096; Bills Sponsored: House Bills 349, 1790, 2090

We thank Chairman Hinojosa for his willingness to speak against the sentence of juvenile life without parole, and for pushing for a thorough evaluation of the current sentencing guidelines for juveniles. His commitment to helping Texas youth is critical, as is his long-standing commitment to smarter, more effective criminal justice policies.



Vice Chairwoman Joan Huffman – Bills Authored: Senate Bills 462, 1185, 1772, 1804; Bills Sponsored: House Bills 1847, 2811

We thank Vice Chairwoman Huffman for her efforts to improve specialty courts throughout Texas, and for seeking ways to assist those who suffer from mental illness and who often end up in the criminal justice system at great human and financial cost.



Vice Chairman Eddie Lucio – Bills Authored: Senate Bills 716, 914; Bill Sponsored: House Bill 1659

We thank Vice Chairman Lucio for his dedication to advocating for and improving the lives of youth with special needs.



Chairwoman Leticia Van de Putte – Bills Authored: Senate Bills 92, 1356, 1517, 1520; Bills Sponsored: House Bills 1479, 1952

We thank Chairwoman Van de Putte for zealously standing up for the most vulnerable in Texas – youth who have experienced terrible traumatic events and who become entangled in the justice system. Chairwoman Van de Putte’s eloquent and passionate voice for these children serves as ray of hope for them and their families.



Senator José Rodríguez – Bills Authored: Senate Bills 1044, 1712, 1717, 1739, 1769, 1802; Bills Sponsored: House Bills 634, 2719

We thank Senator Rodríguez for asking the tough questions to guide Texas to greater justice. Senator Rodríguez brings expertise and a deep commitment to the daunting challenge of reforming the Texas criminal and juvenile justice systems. We commend him for listening to the voice of all stakeholders and for advancing policies that increase accountability, produce better outcomes, and foster compassion and fairness throughout the system.



Chairman Royce West – Bills Authored: Senate Bills 107, 110, 393, 394, 395, 420, 915, 1122, 1173, 1211, 1419; Bills Sponsored: House Bills 62, 2862

We thank Chairman West for his leadership in rooting out areas in which people are treated unfairly in Texas’ criminal and juvenile justice systems, and for taking tireless steps to address those areas through effective and humane strategies. We also thank Chairman West for this commitment to advancing policies that provide those in the criminal justice system with a second chance that will allow them to live successful and productive lives.



Chairman John Whitmire – Bills Authored: Senate Bills 213, 344, 345, 369, 484, 511, 670, 825, 1114, 1115, 1234; Bills Sponsored: House Bills 528, 799, 1188, 1318, 2733

We thank Dean Whitmire for his long-standing commitment to improving the criminal and juvenile justice systems. His leadership has ensured that youth receive an attorney before they face secure detention, that the accused have fair representation, and that school discipline does not get in the way of school learning. We also thank Dean Whitmire for this compassionate and effective approach towards those who find themselves trapped in the life of prostitution.



Chairwoman Judith Zaffirini – Bill Authored: Senate Bill 43; Bill Sponsored: House Bill 232

We thank Chairwoman Zaffirini for her dedication to expanding accountability measures within Texas’ public schools to ensure that youth are on the correct path to success, and for her determination to improve the lives of youth who have been impacted by the system for low-level offenses.

Solutions for Youth Justice

NEARLY 100,000 CHILDREN ARE CAUGHT UP IN Texas’ juvenile justice system every year, while thousands more receive tickets for minor school-related misbehavior. This legislative session, policy-makers took crucial steps to ensure that youths’ needs are addressed with effective, age-appropriate strategies, that they are placed in safe settings and/or supervised by well-trained personnel, and that they are provided the tools to become successful members of our communities.

New Texas policies will accomplish the following major goals:

□ **Safely Reduce The Over-Criminalization of Minor School-Related Offenses**

These policies will more appropriately address truancy [HB 1479] and other low-level offenses [SB 1419], including “disruption of class” [SB 1114]; help administrators learn more about discretionary disciplinary practices [HB 1952]; better incorporate the components of behavioral improvement plans into individualized education programs for special needs students, which will more successfully meet their needs and reduce the likelihood of unnecessary punishment [SB 914]; implement tiered progressive sanctions in lieu of school-related Class C citations [SB 393]; and increase data collection on the educational outcomes of public school students in

foster care, which will help to identify gaps in performance or other school-related problems [SB 833].

□ **Safely Divert Youth from Confinement and Meet Their Needs at the Local Level**

These policies will expand the use of diversion programs and treatment for youth with fine-only offenses [SB 393; SB 395; SB 1114], alcohol offenses [HB 232], prostitution-related offenses [SB 92; SB 1356], and other low-level offenses [SB 1419]; create a 5-year youth sentencing pilot program in Travis County (Austin) that allows a juvenile judge to impose a determinate sentence on a youth, but confine the youth in a county secure facility, rather than a state secure facility, for the first part of the sentence [SB 511]; expand the use of substance abuse evaluations, to increase the likelihood of effective treatment [HB 144]; ensure youth are represented by counsel at the first detention hearing [HB 1318], and allow more efficient access to case-related files [SB 670] – both of which will help youth avoid unnecessary detention; require trauma-informed care training for staff of county (and state) juvenile facilities [SB 1356]; and collect data on past foster care system involvement among adult inmates, in efforts to identify gaps in support for foster care youth and better prevent their future system involvement [HB 2719].



Youth Advocates with Chairwoman Leticia Van de Putte, Supporting SB 1356

□ Improve Conditions of Confinement for All Confined Youth

These policies will remove the 3-term limit on the Independent Ombudsman for the juvenile justice system, which will allow continuity and a maintained level of trust between that Office and confined youth [\[HB 2733\]](#); take steps to reduce the use of seclusions (isolation) through data collection and an outside evaluation by a third party [\[SB 1003; HB 2862\]](#); potentially improve and increase youths’ access to programs and services, including substance abuse and mental health treatment [\[HB 2733; SB 1003\]](#); require trauma-informed care training for staff of county and state juvenile facilities (*also noted above*) [\[SB 1356\]](#); and extend current regulations and requirements for short-term secure facilities to non-secure facilities, including protections against invasive searches and deprivation of food and sleep [\[HB 2862\]](#).

□ Increase Youths’ Success Upon Reentry to Prevent Future System Involvement

These policies will create an advisory panel that will determine whether Texas can safely stop fingerprinting youth referred to the juvenile justice system for low-level offenses, which has long-term reentry ramifications [\[SB 1769\]](#); and restrict certain individuals’ or agencies’ access to records of youth with low-level, fine-only offenses [\[HB 528; SB 393; SB 394\]](#).



Chairman Richard Raymond with a Youth Advocate Supporting HB 144

For their commitment to furthering important defense- and innocence-related policies, TCJC would like to thank the Senators and Representatives who made these bills possible, as well as their dedicated staff. We would also like to recognize the following individuals and groups who served as critical resources to stakeholders on these issues:

- ACLU of Texas
- Chad Trulson, University of North Texas
- Communities in Schools of Central Texas – Del Valle High School
- County Juvenile Probation Chiefs
- Debbie Unruh, Office of the Independent Ombudsman
- Disability Rights Texas
- Doots Dufour, Criminal Justice Ministry, Diocese of Austin
- Foster Care Alumni of America – Texas Chapter
- Juvenile Defense Attorneys
- Juvenile Judges
- Juvenile Justice Association of Texas
- Juvenile Prosecutors
- Michele Deitch, LBJ School of Public Affairs
- National Alliance on Mental Illness, Texas
- National Center for Child Traumatic Stress
- National Religious Campaign Against Torture
- Sending Solidarity
- Texans Care for Children
- Texas Appleseed
- Texas Association of Counties
- Texas Commission on Jail Standards
- Texas Conference of Urban Counties
- Texas Defender Service
- Texas Impact
- Texas Jail Project
- Texas Juvenile Justice Department
- Texas NAACP
- Texas Network of Youth Services
- Texas Probation Association
- Texas Public Policy Foundation, Center for Effective Justice
- The National Campaign to Reform State Juvenile Justice Systems
- Youth Advocates Speak (Y.A. Speak)

Solutions for Pretrial, Defense & Innocence

ON AVERAGE, MORE THAN 35,000 INDIVIDUALS daily are awaiting trial in county jails, while thousands more are awaiting trial while out on bond. This legislative session, policy-makers took crucial steps to ensure that these individuals will have access to pretrial and defense assistance that will provide them effective representation. Policy-makers also put in place strategies that will minimize the likelihood of individuals being wrongfully convicted and incarcerated.

New Texas policies will accomplish the following major goals:

□ **Improve Individuals' Access to Competency Restoration Services While Awaiting Trial**

This policy creates a 4-year, permissive competency restoration pilot program in up to two county jails, under which a private provider will treat defendants who are incompetent to stand trial; the provider must meet strict criteria that will be critical in ensuring strong care for program participants [\[SB 1475\]](#).

□ **Strengthen Texas' Indigent Defense Infrastructure**

These policies will require court-appointed attorneys to annually report information on their caseloads, and direct the Commission to conduct a study on appointed caseloads, including recommendations on known best practices [\[HB 1318\]](#); prohibit public defenders from accepting an indigent defense appointment if doing so would exceed established caseload standards [\[HB 1318\]](#); and clarify that only capital writs (not noncapital writs) should be delegated to the Office of Capital Writs [\[HB 577\]](#).

□ **Reduce the Number of Individuals Who are Wrongfully Convicted or Incarcerated in Texas**

These policies will create a uniform, open file discovery process, which increases the likelihood that evidence relevant to a defendant's innocence will be revealed before the defendant is wrongfully convicted [\[SB 1611\]](#); entitle public defenders' offices to fee-exempt access to criminal history record information, necessary to fully and effectively represent defendants [\[SB 1044\]](#); ensure written statements signed by an accused are in a language he or she can

understand [\[HB 2090\]](#); require a court to grant a convicted person relief, on a properly filed application for a writ of habeas corpus, on the basis of relevant scientific evidence not available at the time of the convicted person's trial [\[SB 344\]](#); require the state to perform DNA testing in any capital offense where the state is seeking the death penalty [\[SB 1292\]](#); require prosecutors to complete a 1-hour training on the duty to turn over exculpatory and mitigating evidence, as part of their minimum continuing legal education requirements [\[HB 1847\]](#); and extend the start date of the statute of limitations for a grievance against a prosecutor for failing to turn over such evidence [\[SB 825\]](#).

For their commitment to furthering important defense- and innocence-related policies, TCJC would like to thank the Senators and Representatives who made these bills possible, as well as their dedicated staff. We would also like to recognize the following individuals and groups who served as critical resources to stakeholders on these issues:

- ACLU of Texas
- Chief Public Defenders throughout Texas
- Cory Session
- David Gonzalez and Kristin Etter, Sumpter & Gonzalez, L.L.P.
- Innocence Project of Texas
- Michael Morton
- Scott Henson, Grits for Breakfast
- Texas Association of Counties
- Texas Association of Pretrial Services
- Texas Criminal Defense Lawyers Association
- Texas Defender Service
- Texas Fair Defense Project
- Texas Impact
- Texas Indigent Defense Commission and Board
- Texas NAACP
- Texas Public Policy Foundation, Center for Effective Justice
- Thomas Ratliff
- *And many other exonerees*



Chairman Rodney Ellis, Chairwoman Ruth McClendon, and Vice Chairwoman Myra Crowover at a Press Conference Related to Exonerees

Solutions for Safely Reducing Incarceration

TEXAS INCARCERATES APPROXIMATELY 155,000 PEOPLE in prisons and state jails. Almost three times as many individuals – nearly 420,000 – are on probation. This legislative session, policy-makers took critical steps to address the root causes of criminal behavior that drive people into Texas jails and prisons, and they supported alternatives to overly punitive policies and practices that contribute to high arrest and detention rates.

New Texas policies will accomplish the following major goals:

□ Improve Information about Mental Health and Substance Abuse Programs

This policy will improve access to and awareness about available community-based treatment programs, specifically by allowing consumers and other stakeholders to compare performance and outcome measures among community mental health and substance abuse providers [\[SB 126\]](#).

□ Effectively Address Prostitution

This policy will allow the creation of prostitution prevention programs to provide sex workers access to information, counseling, and services regarding sex addiction, sexually transmitted diseases, mental health, and substance abuse, without creating a record of any offense in certain instances [\[SB 484\]](#).

□ Incentivize or Utilize Probation Over a State Jail Term for Greater Rehabilitative Success

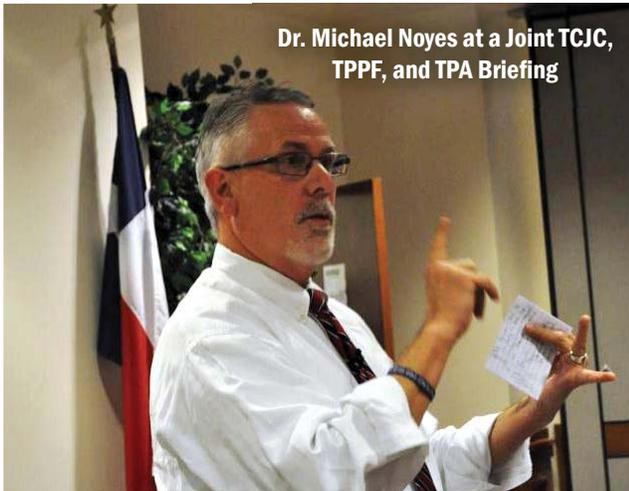
This policy will require a judge, prior to sentencing, to consider the recommendations made in a pre-sentence report for each individual with a state jail felony charge; such reports are developed by probation officers and must include, among other things, a possible supervision plan and recommendations for conditions of community supervision. If a person is convicted of a state jail felony, this will provide judges an option to grant community supervision, impose a sentence, or impose a partial sentence with a term of community supervision to follow after release [\[SB 1173\]](#).



Vice Chairman James White Speaking at the Podium



Chairman Royce West Speaking at an Event



Dr. Michael Noyes at a Joint TCJC, TPPF, and TPA Briefing

□ **Improve the Operation and Outcomes of Specialty Courts, to Effectively Assist Individuals in the Community**

This policy will create specialty court creation and reporting requirements, outcome- and evidence-based best practices for specialty courts, and the collection of minimal but standardized performance data [\[SB 462\]](#).

□ **Improve Policies and Practices that Impact Probationers**

These policies will prevent individuals from having to pay monthly probation fees after a judge terminates their probation period [\[SB 1096\]](#); and prohibit a judge from revoking a person's probation solely on the basis of a failed polygraph test that was administered to determine whether the individual violated a condition of probation [\[SB 358\]](#).



Marc Levin at a Joint TCJC, TPPF, and TPA Briefing

For their invaluable efforts and commitment to effective, rehabilitative criminal justice policies, TCJC would like to thank the Senators and Representatives who made these bills possible, as well as their dedicated staff. We would also like to recognize the following individuals and groups who served as critical resources to stakeholders on these issues:

- ACLU of Texas
- Adult Probation Directors throughout the State, including Todd Jermstad (Bell/Lampasas Counties), Dr. Teresa May-Williams (Harris County), Dr. Michael Noyes (Dallas County), Arnold Patrick (Hidalgo County), Vickie Pinkston (Hockley County), Mike Wolfe (Taylor County), Jarvis Anderson (Bexar County), Steve Henderson (Lubbock County), Rodney J. Thompson (Angelina County CSCD), and Javed Syed (Nueces County)
- Christian Life Commission
- Criminal Justice Assistance Division of the Texas Department of Criminal Justice
- Individuals testifying on their own behalf: Bill Shier, Herman Buhrig, Jacalyn Iverson, Kathryn Griffin
- Judge Peggy Hoffman, Dallas County Criminal Court No. 9
- June Deadnick, CenterPoint Energy
- Mark Mendez, Tarrant County Commissioner's Court
- Patrick McCann, Law Offices of Patrick F. McCann
- Restorative Justice Ministries Network
- Seth Mitchell, Assistant to the Bexar County Manager
- Sheriffs' Association of Texas
- Snapper Carr, City of El Paso
- Specialty Court Judges throughout Texas
- Texas Association of Business
- Texas Association of Counties
- Texas Association of Substance Abuse Programs
- Texas Catholic Conference of Bishops
- Texas Conference of Urban Counties
- Texas Defender Service
- Texas Fair Defense Project
- Texas Impact
- Texas Inmate Families Association
- Texas NAACP
- Texas Probation Association
- Texas Public Policy Foundation, Center for Effective Justice
- Tommy Adkisson, Bexar County Commissioner, Pct. 4
- Wayne Heintze, Harris County Sheriff's Office Reentry Program

Solutions for Confinement & Reentry

OVER 70,000 PEOPLE LEAVE STATE CORRECTIONS facilities every year, while a million individuals cycle through local jails. Various barriers and restrictions prevent many returning individuals from successfully transitioning to our communities, forcing them back into crime and back into confinement. This legislative session, policy-makers took strong steps forward to ensure that individuals have access to pre- and post-release rehabilitative programs and services, effective post-release supervision, and assistance finding employment and other necessities that will help them live successfully in our communities.

New Texas policies will accomplish the following major goals:

□ **Improve Transparency, Efficiency, Accountability, and Operations in Texas' Corrections System**

This policy will require an independent review of Texas' administrative segregation operations—including, among other things, the amount of time spent in segregation, access to programs and services, and the number of individuals in solitary who were referred to mental health professionals—with a final report containing, at a minimum, methods to reduce the number of individuals in administrative segregation, divert individuals with mental illness from administrative segregation, and decrease the length of time spent in solitary confinement [\[SB 1003\]](#).



Vice Chairwoman
Alma Allen
Speaking
with Youth

□ **Expand Inmates' Access to Critical, Reentry-Focused Programs and Services**

These policies will require prison wardens to issue yearly reports detailing efforts to identify and actively encourage volunteer and faith-based organizations to provide programming in each warden's unit [\[SB 345\]](#); and require the Department to utilize data from the federal Public Assistance Reporting Information System (PARIS) to verify the veteran status of each incoming individual, which will enable the Department to help incarcerated veterans apply for military benefits, create meaningful reentry plans, and coordinate with the Department of Veterans Affairs to access mental health counseling and assistance [\[HB 634\]](#).

□ **Improve Texas' Parole System**

This policy will require parole officers and reentry coordinators to improve the data they track and report in regard to available resources and services, and clients' outcomes (e.g., in areas of employment, housing, education, treatment, and medical care); annually, that information will be published in a publicly available report, along with information on practitioner training opportunities [\[HB 2719\]](#).



Rep. Steve Toth
Speaking at the Podium

□ **Improve Access to Post-Release Employment Opportunities**

These policies will limit employer liability on certain charges of negligently hiring or failing to adequately supervise an employee who has a criminal conviction [\[HB 1188\]](#); increase legislative reviews of proposed occupational licensing programs to ensure they serve a clear public interest and provide the least restrictive form of regulation that will adequately protect public safety [\[HB 86\]](#); provide incarcerated individuals with a wider pool of available vocational courses that will build skill sets in line with the needs of the current job market [\[HB 799\]](#); offer incarcerated individuals more information about licensing (e.g., restrictions, applications

process, rates of licensing, etc.) prior to enrolling in vocations courses [\[HB 797\]](#); limit licensing agencies from denying a license to individuals with a Class C misdemeanor [\[HB 798\]](#); and limit licensing agencies from considering a person's deferred adjudication during a license suspension or revocation process [\[HB 1659\]](#).

□ **Safely Reduce Other Reentry Barriers in Texas**

These policies will create a 4-year, service-oriented pilot program in Harris County (Houston, which has the state's largest county jail) to offer mentally ill individuals the tailored assistance they need to live responsibly in the community, following their release from jail [\[SB 1185\]](#); allow civil petitions for an order of non-disclosure to be filed electronically or mailed on a standardized form, which will eliminate the need for an attorney's assistance to draft and file the petition [\[SB 107\]](#); and limit public access to or publication of criminal record information in specific instances [\[SB 107\]](#); [\[SB 369\]](#); [\[SB 1289\]](#).

□ **Increase Restrictions on Correctional Facility Privatization or Business Interests in Private Facilities**

These policies will ensure that Texas counties get the local Sheriff's written approval before entering into a contract to privatize a local jail [\[HB 1544\]](#); and prohibit judges from holding a financial interest in a private correctional or rehabilitation facility, to avoid conflicts of interest during sentencing [\[HB 62\]](#).



For their willingness to support policies that will improve the operations and efficiency of corrections facilities, and minimize barriers to reentry, TCJC would like to thank the Senators and Representatives who made these bills possible, as well as their dedicated staff. We would also like to recognize the following individuals and groups who served as critical resources to stakeholders on these issues:

- ACLU of Texas
- Austin/Travis County Reentry Roundtable
- Bexar County Re-Entry Roundtable
- Brad Parker and James Field, Texas Trial Lawyers Association
- Chelsey Thomas, Texas Association of Realtors
- Christopher Scott, House of Renewed Hope
- Dan Shelley, Plumbing Heating Cooling Contractors
- David Mintz and George B. Allen, Texas Apartment Association
- Dee Simpson, Correction Employees Council 7 AFSCME
- Deece Eckstein, Travis County Coordinator for Intergovernmental Relations
- Disability Rights Texas
- Erica Gammill, League of Women Voters of Texas
- Gary Fitzsimmons, Dallas County District Clerk
- Grassroots Leadership
- Individuals testifying on their own behalf: Alycia Welch, Dwight Harris, Gary Ward, LaVelle Franklin, Sam Caldwell
- Jay Arnold, Goodwill Industries of Central Texas
- Joe Lovelace, Texas Council of Community Centers
- Jon Fisher, Associated Builders and Contractors of Texas
- Julie Wheeler and Leonardo Coelho, Travis County Commissioners Court
- Kristin Etter, Texas Criminal Defense Lawyers Association
- Kyle Mitchell, Texas Veterans Commission
- Margo Dover, Skillpoint Alliance
- Melissa Davis, National Association of Social Workers, Texas Chapter
- Mental Health America of Texas
- Mike Hull, Texans for Lawsuit Reform
- NAACP of Texas
- National Alliance on Mental Illness, Texas
- Patrick McCann, Law Offices of Patrick F. McCann
- Patty Quinzi, Texas-American Federation of Teachers
- Restorative Justice Ministries Network
- Sending Solidarity
- Texans Care for Children
- Texas Association of Business
- Texas Catholic Conference of Bishops
- Texas Civil Rights Project
- Texas Commission on Jail Standards
- Texas Defender Service
- Texas Fair Defense Project
- Texas Impact
- Texas Inmate Families Association
- Texas Jail Project
- Texas Public Policy Foundation, Center for Effective Justice
- Veronica Casanova, Windham School District
- William Kuntz, Texas Department of Licensing and Regulation
- Winners Circle Peer Support Network of Texas

Sunset Legislation

Pertaining to Texas' Corrections and Criminal Justice Agencies

Sunset Review of the Texas Department of Criminal Justice, Board of Pardons and Paroles, Correctional Managed Health Care Committee, and the Windham School District

In late 2011, Texas' corrections-related agencies began undergoing a Sunset review. This process involved a comprehensive, statutorily mandated review of each agency, and it offered TCJC – among many others – the opportunity to provide a multitude of recommendations for improvements to the state's criminal justice system. Ultimately, all feedback informed key provisions of [SB 213](#).

TCJC expresses our deepest gratitude to the Sunset Advisory Commission staff who worked diligently to compile recommendations for consideration by the Commission. We are especially grateful to the staff for taking the time to meet with TCJC and various stakeholders, to build a comprehensive understanding of the broad scope of the criminal justice system from all sides. We also want to thank Commission members for their commitment to the evaluation of these important agencies.

Below are key components of SB 213:

□ Risk Assessment

- **Creation of a Standardized Risk and Needs Assessment Instrument.** Under this bill, the Texas Department of Criminal Justice (the Department) must adopt a standardized instrument to assess the risks and needs of each individual in the adult criminal justice system, based on criminogenic factors, to be fully implemented by 2015.
- **Use of an Assessment in Prisons and State Jails.** Each facility under the oversight of the Department's Correctional Institutions Division must establish a case management committee to assess each inmate in the facility and ensure the inmate is receiving appropriate services or participating in appropriate programs.
- **Use of an Assessment in Treatment Plans.** The Department must also include the results of any assessment in an inmate's individual treatment plan, including any assessment made using the risk and needs assessment instrument and any vocational, educational, or substance abuse assessment.

- **Use of an Assessment in Probation.** The Department's Community Justice Assistance Division, which oversees probation ("community supervision"), must require each probation department to use the risk and needs assessment instrument to assess each defendant at the time of his or her initial placement on probation.
- **Use of an Assessment in Reentry Planning.** The Department's comprehensive reentry and reintegration plan (see below) must incorporate the use of the risk and needs assessment instrument.

□ Probation

- **Probation Grants.** Under this bill, the Department's Community Justice Assistance Division must examine the probation system's grant processes and make recommendations pertaining to the possibility of performance-based funding formulas.

□ Reentry

- **Implementation of a Reentry Plan.** The Department's reentry and reintegration plan must provide for programs to address assessed needs; provide for a comprehensive network of transition programs; identify Department-offered transition services and eligible participants; coordinate the provision of reentry and reintegration services for effective and efficient service provision; provide for data collection on inmates eligible for services and those who actually received them; provide for outcome measurements to evaluate the efficacy of services provided; identify providers of existing reentry and reintegration services that can assist the Department; and provide for information sharing among all service providers.

The entities involved – the Board of Pardons and Paroles, along with the Windham School District – must identify their reentry and reintegration goals, the strategies for achieving those goals, and specific timelines to implement their particular plans.

- **Ongoing Evaluation of and Updates to the Reentry Plan.** Each even-numbered year, the Department must submit a report evaluating the plan via the results of the plan's outcome measurements. Furthermore, the Department must update the plan at least once every three years.

- **Expanded Reentry Task Force Membership.** The State’s Reentry Task Force, established in 2009, must expand to include representatives from the Board of Pardons and Paroles, the Windham School District, the Texas Commission on Jail Standards, the Department of State Health Services, the Texas Court of Criminal Appeals, the County Judges and Commissioner’s Association of Texas, the Sheriff’s Association of Texas, the Texas District and County Attorneys Association, the Texas Conference of Urban Counties, a probation department, an organization that advocates on behalf of system-involved individuals, and a local reentry planning entity.
- **Expanded Reentry Task Force Duties.** The Task Force must (rather than may) identify gaps in services for returning individuals relating to employment, housing, substance abuse treatment, medical care, and other areas, and coordinate with existing local program providers to recommend the provision of comprehensive services to such individuals. The Task Force must also identify its goals and deliverables, specify member responsibilities, and create a timeline for achieving its goals.

□ **Parole**

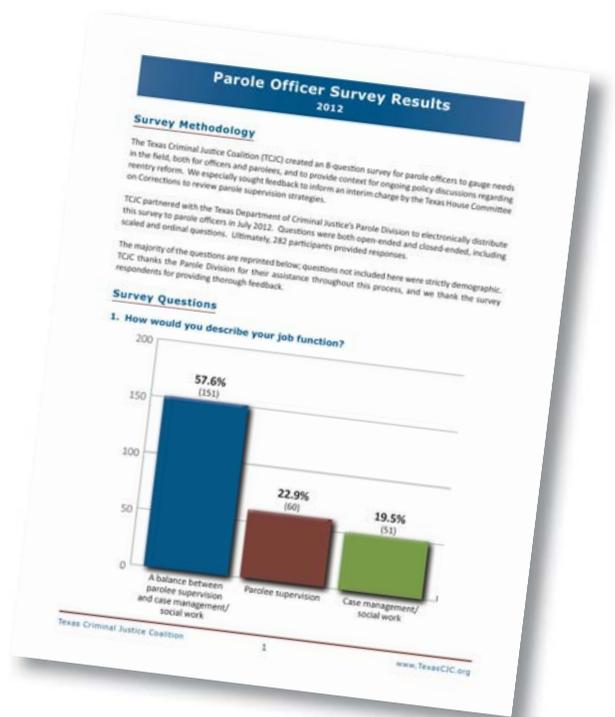
- **Notification of Parole Panel Decision.** The Board of Pardons and Paroles must give specific reasons, in writing, for a denial of parole.
- **Parole Guidelines.** The Board will also establish and maintain a range of parole approval rates for each category or score within established parole guidelines, which are the basic criteria upon which a decision is made, and the Board will meet annually to review and discuss this range of approval rates.

□ **Other**

- **Individualized Treatment Plans.** An Individual Treatment Plan (ITP) will be developed and sent to the Board of Pardons and Paroles when an inmate is being considered for release. Each ITP will include the results of any risk and needs assessment, along with any vocational, educational, or substance abuse assessment, and the dates on which the individual must participate in any subsequent assessments and all of the treatment and programming needs of the inmate. Individuals must also agree to participate in the programs and activities described by the ITP before release.
- **Case Management Committees.** Each facility must establish a case management committee to assess each individual in that facility and ensure each person

is receiving appropriate services and participating in appropriate programs. The committee must meet with individuals upon their initial arrival at a facility, as well as every time the committee meets to reclassify the inmate. The committee must review each individual’s ITP.

- **Windham School District Evaluation.** The Windham School District (WSD) will be required to gather information about every individual who participates in each of its academic, vocational training, and life skills programs. This information will include in-prison disciplinary violations; any arrests, confinements, or convictions after release; and the kind of employment the individual obtains after release, and whether that employment was related to training. The WSD will evaluate this information to determine whether it is meeting previously set goals.
- **Correctional Managed Health Care.** In recognition that the Department may begin seeking providers for health care other than Texas Tech University Health Sciences Center and The University of Texas Medical Branch at Galveston (UTMB), this bill makes changes to allow for the participation of other providers. Additionally, this bill requires the Department to report healthcare cost and use information to the Legislative Budget Board and the Governor, including actual and projected expenditures, and the amount of cost savings realized as a result of contracting with a provider other than UTMB or Texas Tech.



Interesting Development...

THIS SESSION, POLICY-MAKERS INTRODUCED VARIOUS bills intended to effectively address addiction and minimize ineffective and wasteful imprisonment for low-level drug possession. While more bills on these issues were filed than in any previous legislative session, and while some bills made it further than similar bills had previously progressed, none moved beyond their original chamber.

Although we are encouraged that state leadership are beginning to have meaningful and data-driven conversations about the State's antiquated responses to drug abuse, there is still much to be done to bring Texas up to speed with effective approaches to addiction and drug possession.

□ **Proposals to Effectively Address Addiction**

The policies below would have saved taxpayers money otherwise spent on costly and ineffective incarceration for low-level drug possession, while also increasing public safety and public health, and strengthening Texas communities.

▶ **Bills Introduced**

HB 2045 (Sylvester Turner) would have changed the penalty for first-time possession of less than a gram of a controlled substance from a state jail felony to a Class C misdemeanor.

SB 1291 (Ellis) would have established .02 grams of a controlled substance (equal to 1/5 of a packet of Sweet N' Low) as the minimum weight necessary to constitute a state jail felony for possession.

SB 90 (Ellis) would have ensured that chemically dependent individuals convicted of first-time drug possession would be placed on community supervision and into treatment, as based on an assessment, while still giving judges discretion in certain instances.

▶▶ **Bills that Received a Hearing**

HB 1417 (Senfronia Thompson) would have changed the penalty for first-time possession of less than a gram of a controlled substance from a state jail felony to a class A misdemeanor, allowing individuals the opportunity to access effective community-based addiction and mental health services, while being monitored by qualified probation officers. This bill had an estimated positive fiscal impact of \$99,873,833 over the biennium.

HB 2044 (Sylvester Turner; Burnam; Wu) would have changed the penalty for first-time possession of less than a gram of a controlled substance from a state jail felony to a class A misdemeanor, allowing defendants to be evaluated for chemical dependency, and if necessary, treated and supervised in the community. This bill had an estimated positive fiscal impact of \$111,580,130 over the biennium.

▶▶▶ **Bills Voted out of Committee**

HB 184 (Dutton; Burnam) would have changed the penalty for first-time possession of one ounce or less of marijuana to a Class C misdemeanor for individuals under 21 years of age.

HB 2914 (Senfronia Thompson) would have established .02 grams of a controlled substance as the minimum weight necessary to constitute a state jail felony for possession. Although the Legislative Budget Board did not have enough data to estimate savings, stopping the practice of prosecuting "trace" amounts of a controlled substance resulted in significant savings in Harris County under former prosecutor Pat Lykos.



**Chairwoman Senfronia Thompson
Speaking at an Event**



□ **New Information Released on Responses to Drug Addiction in Texas**

We received data from the Texas Department of Criminal Justice (TDCJ) under a public information request, which we used when providing stakeholders information on incarceration trends and prison expenditures for low-level drug possession.

How Many People Are Being Locked Up For Minor Possession Offenses in Texas?

- TDCJ received 43,793 individuals for drug crimes in 2011 and 2012. More than 40% of these receives (18,535 people) were for possession of less than one gram.
- State jails alone received 16,262 individuals for drug crimes in 2011 and 2012. Nearly 90% of these receives (14,310 people) were for possession of less than one gram. In all, individuals serving time for possession of less than one gram constituted 30% of the total state jail population.

How Much are We Spending to Lock People Up For Minor Possession Offenses in Texas?

- **Specialized Medical Treatment for Low-Level Drug Possession Creates High Costs.** Many individuals convicted of low-level drug offenses struggle with mental illness and chemical dependency and require specialized services. For that reason, incarcerating these individuals often costs the state more on average than incarcerating those convicted of other types of offenses. In fact, individuals serving time for possession of less than one gram in 2012 cost TDCJ \$5.2

million due to long placements in medical, psychiatric, and intellectually disabled specialized units.

- **Community Supervision (Probation) is Less Expensive and More Effective than Incarceration.** Community supervision and treatment have far higher success rates than incarceration. According to the Legislative Budget Board, community supervision (which costs the state \$1.38 per person per day) has an approximate 15% annual recidivism rate, whereas state jails (\$42.90/day) and prisons (\$50.04/day) have a 22-31% recidivism rate within 3 years of release.

Annually, one person in prison costs the taxpayer \$18,265; a yearlong term in state jail costs \$15,659. On the other hand, a year on probation costs the state \$503. Texas simply cannot afford to lock up individuals for minor drug possession offenses at such high costs.

□ **Public Safety Benefits: Effectively Addressing Drug Crime Reduces Property and Violent Crime**

Several counties do not prosecute “trace” amounts of controlled substances, including Travis, Collin, El Paso, and Denton Counties.

Former Harris County District Attorney Pat Lykos decided to stop wasting law enforcement and criminal justice resources on prosecuting trace amounts of crack cocaine. During 2010 and 2011, she filed thousands fewer cases for crack cocaine possession, and **during that same time both property and violent crime rates continued declining.**

Appropriations & Facility Closures

Below are key components of the state's budget, [SB1](#), pertaining to juvenile and criminal justice.

□ Juvenile Justice

In an effort to defeat early attempts to drastically cut funds from local juvenile probation services, practitioners, youth, and advocates alike banded together to inform legislators about the significant need for more—not less—state funding. Attempts were also made to close multiple state secure facilities, which would further increase the financial burden on local communities and result in a mass transfer of youth to other facilities in a very short time.

However, by the conclusion of the 2013 legislative session, stakeholders reached a compromise. Specifically, policy-makers appropriated \$327 million solely for Community Juvenile Justice for the 2014-2015 biennium, 9% of which is dedicated to serving youth with mental health needs. Furthermore, policy-makers chose to close one of Texas' six state secure facilities for youth.

TCJC considers these outcomes a win, as they fall in line with specific components of sustaining juvenile justice reform in Texas. The closure of a state secure facility and the realignment of funds to serve youth within local communities, especially youth with the highest needs (e.g., kids with mental health needs), are necessary in helping the Texas Juvenile Justice Department become an effective front-end agency.

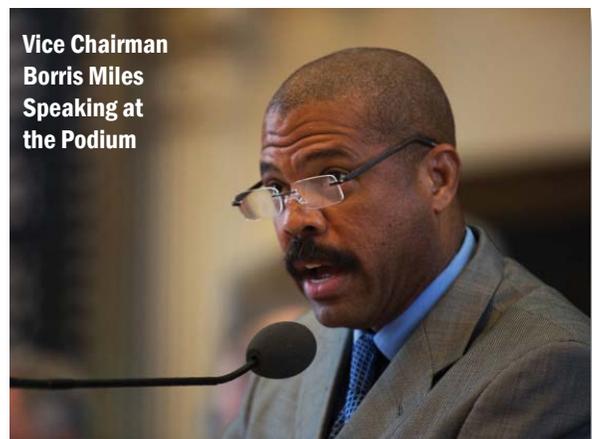
Key Budget Riders

The following riders provide additional or more specific information about the use of juvenile justice funding:

- **Rider 28: Reporting Requirements to the Legislative Budget Board:** Per this rider, the Texas Juvenile Justice Department must begin annually reporting on prevention and intervention programs, including their utilization and effectiveness. The Department implemented prevention and Intervention services more than a year ago, and they are limited in scope. These reporting requirements will provide the Department with the necessary data to determine whether the programs are meeting the needs of youth.
- **Rider 32: Juvenile Justice Department Institutional Capacity:** This rider imposes an institutional cap on the number of beds the state is allowed to operate within state secure facilities. As the agency moves forward in

reaching its goal of becoming a front-end entity, caps such as this one are crucial in facilitating the Department's prioritization of community-based programs and services. The cap for the 2014-2015 biennium has been set at 1,356 beds, not including halfway house-facilities operated by the Department, or contract facilities.

- **Rider 33: Local Assistance:** This rider designates funds (\$150,000 in FY 2014 and \$144,000 in FY 2015) and requires two full-time employees of Central Administration in each fiscal year to evaluate and improve programming at the local level. With this designation, local probation departments will be given much-needed assistance in ensuring that the programming and treatment being offered to their youth are well designed, implemented, and evaluated, and ultimately effective.
- **Rider 35: Facility Closure:** This rider requires at least one state secure youth facility to be shut down. The Department must identify which facility should be closed, determine the needs of the current youth population in that facility, and create a transition plan—with treatment components—for the youth who will be impacted. The Department must present the plan to the Legislative Budget Board no later than September 1, 2013.
- **Rider 36: Mental Health Services:** This rider creates a new line item, A.1.7., within Community Juvenile Justice, specifically for mental health services for youth being supervised by local juvenile probation departments. This new, greatly needed funding stream will help probation departments serve youth with the highest needs. Collectively, more than \$25 million has been allocated to this line item for the 2014-2015 biennium.



Vice Chairman
Borris Miles
Speaking at
the Podium

□ Indigent Defense

The Texas Indigent Defense Commission awards grants and much-needed technical assistance to Texas' 254 counties on issues related to defense systems and models, helping counties develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities.

Prior to Texas' 2011 Legislative Session, the Commission was permitted to roll forward the unexpended balance in its Fair Defense Account every biennium; since then, the Commission's unexpended funds—intended for indigent defense—have been held by the State as a means to balance the state budget.

This session, policy-makers allocated approximately \$48 million for FY 2014 and \$31 million for FY 2015 to the Commission, which effectively restores all funding designated for indigent defense purposes.

□ Facility Closures

Policy-makers' re-prioritization of corrections strategies has built momentum for facility closures over the past two legislative sessions. In 2011, Texas closed a prison for the first time (Sugar Land Unit); during this recent 2013 legislative session, budget-makers targeted two private facilities for closure, which will occur in the coming biennium, as per the following rider:

- **Rider 64: Close Private Prisons:** This rider requires TDCJ to reduce correctional facilities bed capacity to contain costs as they pertain to "Contract Prisons and Privately Operated State Jails," and "Residential Pre-Parole Facilities." When making reductions in bed capacity, TDCJ must consider the following: (a) projected incarceration demand for correctional facilities bed capacity; (b) safety and security

issues; (c) inmate classification needs; (d) TDCJ staffing needs; (e) cost-effectiveness; (f) prioritization of state-owned facilities in lieu of privately operated contract facilities; and (g) any other information that TDCJ deems relevant. Based on these criteria, this rider will likely result in the closure of the Dawson State Jail (Dallas), and the Mineral Wells Pre-Parole Transfer Facility (North Texas).

□ Safely Reducing Incarceration

Policy-makers chose to continue and strengthen previous smart-on-crime reforms, once again proving their commitment to hardworking practitioners and ensuring the fidelity and success of responsible crime-reduction best practices – particularly diversions and other programs to reduce recidivism.

Specifically, probation and community-based programs were allocated approximately \$298 million for FY 2014 and \$301 million for FY 2015 (representing an approximate \$41 million increase from last session), out of a total corrections budget of \$3.1 billion for both FY 2014 and FY 2015.

Diversions funding has been allocated as follows:

- **Basic Supervision:** More than \$110 million in FY 2014 and \$113 million in FY 2015.
- **Diversion Programs:** Nearly \$129 million in both FY 2014 and FY 2015.
- **Community Corrections:** Nearly \$47 million in both FY 2014 and FY 2015.
- **Treatment Alternatives to Incarceration Program:** Nearly \$12 million in both FY 2014 and FY 2015.

Special needs programs and services (primarily for individuals on probation or parole) received approximately \$22 million per fiscal year.

Key Budget Rider

- **Rider 40: Implement Commitment Reduction Plans:** This rider requires the Texas Department of Criminal Justice to appropriate certain remaining funds towards the implementation of one or more commitment reduction plans; these plans were legislatively authorized in 2011 by SB 1055 to allow county probation departments to set target reduction goals that would safely cut the number of people from that county who will be sent to prison or state jail. Participating counties should receive an upfront, lump sum of the savings from projected commitment reductions to establish necessary programming; funds will then be apportioned to counties based on their continued performance and ability to achieve their desired goals.



□ **Confinement & Reentry**

The corrections budget is largely devoted to incarcerating felons, at \$2.5 billion per fiscal year. Below, we have listed only those line items pertaining to treatment program, and rehabilitative and other services:

- Offender services (\$14 million per year for FY 2014-15)
- Institutional services (\$194 million for FY 2014 and \$186 million for FY 2015)
- Unit and psychiatric care (\$253 million for FY 2014 and \$256 million for FY 2015)
- Hospital and clinical care (\$167 million for FY 2014 and \$171 million for FY 2015)
- Managed health care-pharmacy (\$58 million for 2014 and \$59 million for 2015)
- Health services (\$4.8 million per year for FY 2014-15)
- Residential pre-parole facilities (\$9 million per year for FY 2014-15)
- Academic/vocational training (\$1.9 million per year for FY 2014-15)
- Treatment services (nearly \$23 million per year for FY 2014-15)
- Substance abuse felony punishment (\$57 million per year for FY 2014-15)
- In-prison treatment and coordination (nearly \$35 million per year for FY 2014-15)

The corrections budget also allocates funding for Texas' parole system:

- Approximately \$26 million each fiscal year for the operation of the Board of Pardons and Paroles. This budget allocation allows the Board to continue its high level of productivity.
- \$165 million in FY 2014 and \$166 million in FY 2015 for the operation of the parole system, including supervision, halfway house facilities, and intermediate sanction facilities.

Key Budget Riders

- **Rider 58: Improve TDCJ Ombudsman Reporting:** The current Ombudsman Program at the Texas Department of Criminal Justice (TDCJ) prepares regular reports for review by TDCJ leadership on inquiries and responses – but not on the ultimate resolution of each inquiry. This rider requires TDCJ's Ombudsman to provide regular, publicly available reports to the Governor and legislators on the number and types of inquiries made, and whether and how each inquiry was resolved. TDCJ's Ombudsman shall submit the annual reports no later than December 1st of each fiscal year for the preceding fiscal year's activity.

- **Rider 59: Improve TDCJ's Parole and Reentry Reporting:** This rider requires TDCJ's Reentry and Integration Division and Parole Division to submit an annual joint report to the Governor and legislators on various items. These include: outcomes from parole officers and reentry coordinators, including their program/placement referrals and outcomes (in housing, medical care, treatment for substance abuse or mental illness, veterans services, basic needs, etc.); available and unavailable programs, services, resources, and benefits; common reentry barriers; and practitioner training opportunities. This report, which must be made publicly available, shall be submitted no later than December 1st of each fiscal year for the preceding fiscal year's activity.
- **Rider 61: Study TDCJ Visitation Procedures:** This rider requires TDCJ to perform or commission a study on ways to improve its visitation policies, with the end goal being policies that strengthen family ties, including by expanding areas that are child-friendly during visitation periods, and notifying individuals who are eligible to visit incarcerated persons that visitation has been cancelled or rescheduled. TDCJ must report the findings of the study to the Legislative Budget Board and the Governor no later than September 1, 2014.
- **Rider 62: Track SAFPF Completion Rates:** This rider requires TDCJ to track program completion rates of individuals in Substance Abuse Felony Punishment Facilities (SAFPFs, which are structured treatment programs) to determine where improvements can be made and where resources should be allocated. Must report the findings to the Legislative Budget Board and the Governor no later than September 1st of each even-numbered year.



**Vice Chairman Sylvester Turner
Speaking at Event**

- **Rider 63: Provide Incarcerated Individuals with Useful Incarceration- or Reentry-Related Information:** This rider requires TDCJ to make information continually available to inmates on various topics, including but not limited to innocence and wrongful convictions, inmate transfers, the health care services fee, prisoners' civil rights, filing a grievance, requesting medical care, veterans services (pre- and post-release), child support, and reentry-related services, including information on community-based programs and services available in the areas in which an individual plans to be released. TDCJ must utilize available resources to accomplish these objectives, and may work with faith-based, nonprofit, and civil rights organizations, among others, to compile and provide this type of information to individuals, which should be available in TDCJ unit libraries and any other TDCJ areas that may increase individuals' knowledge of this information.

Additionally, TDCJ must establish and provide programs to educate employees and incarcerated individuals about hepatitis, including issues related to hepatitis that are relevant to incarcerated individuals both while confined and on release.

□ **Jail Standards**

With a staff of just 16 people and an annual budget of less than \$1 million, the Texas Commission on Jail Standards guards Texas counties from damaging lawsuits, specifically by setting constitutional jail standards for counties to follow, conducting facility inspections, enforcing compliance with rules and procedures, and offering vital technical assistance and training for counties. These functions, in turn, help keep jail staff and inmates safe.

The Commission received approximately \$588,000 per fiscal year to perform jail inspections and enforce standards; collect data regarding inmate conditions, backlogs, and costs; and assist or receive assistance with operation planning and analysis. Furthermore, the agency received approximately \$322,000 per fiscal year for indirect administration to provide finance, human resource, and technology assistance to staff, many of whom work across strategy areas. The commission also received one exceptional item of \$10,000 per year for travel expenses, which will allow for additional onsite technical assistance and training.

“Tough On Crime” Bills That Were Defeated In 2013

VARIOUS BILLS WERE FILED THIS SESSION THAT would have rolled back Texas’ recent, bipartisan commitment to effective, rehabilitative approaches to criminal behavior. In the categories below, we have provided key examples of bills that would have moved the state further away from creating balanced, responsible juvenile and criminal justice systems.

□ Youth Justice

These policies would have expanded the class of individuals who may be convicted of truancy, and would have allowed school districts to develop their own rules regarding school attendance [[HB 1165](#)]; reduced the number of school absences that trigger a Class C misdemeanor for failing to attend school [[HB 2872](#)]; created a pilot program in Webb County (South Texas) to allow schools to periodically search or test students for drugs or alcohol, with expulsion in certain instances [[HB 2450](#)]; required HIV and STD testing of youth who have merely been accused of sexual offenses (as opposed to limiting the testing to youth who have been convicted of such offenses, as is currently mandated) [[HB 1566](#); [SB 1183](#)]; raised the court costs for a juvenile probation disposition hearing from \$20 to \$300, and raised monthly probation fees from \$15 to \$60 [[HB 2520](#)]; and allowed prosecutors to appeal all juvenile cases (not only cases in which the grand jury approved an indictment for a violent or habitual felony, as currently allowed) [[HB 3743](#)].

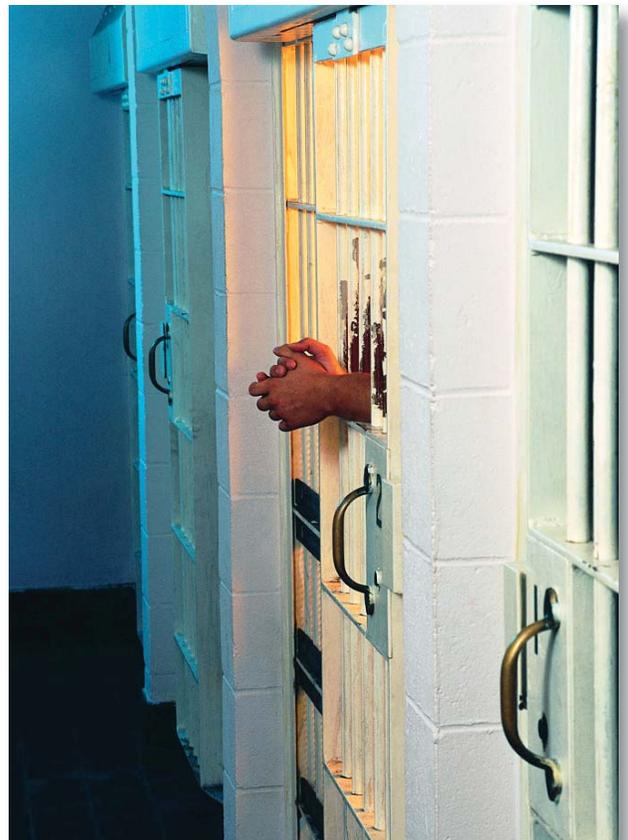
□ Penalty Enhancements

These policies would have imposed mandatory jail time for any offense related to graffiti, increased all Class B misdemeanor designations for graffiti to Class A misdemeanor designations, increased graffiti to a felony for multiple violations, and mandated a court to suspend an individual’s license or provisional license for no less than two years for a graffiti offense [[HB 36](#)]; enhanced a first-time offense of breaking into a vehicle from a Class A misdemeanor to a state jail felony [[HB 235](#)]; and based the degrees of offense for burglary of a vehicle on financial damage, as opposed to number of offenses – which means that someone could have potentially received a first or second degree felony conviction for a first offense, depending on the value of the property damaged [[HB 2827](#)].

NOTE: For more on enhancements, see page 28.

□ Confinement & Reentry

These policies would have expanded the use of penal tents by removing the requirement that sheriffs and commissioners’ courts first request their use, and by allowing tents to be used for the duration of an individual’s sentence [[HB 177](#)]; and permitted small counties (populations of 10,000 or less) to contract with municipalities to hold arrested individuals for up to 72 hours in municipal jails, which are not required to comply with any standards or procedures established by the Texas Commission on Jail standards [[HB 2053](#)]. Both policies would have opened counties to costly lawsuits. Separately, a policy would have allowed counties to regulate and restrict halfway housing in certain areas, which would have reduced the likelihood of a safe, successful transition to the community among returning individuals [[HB 691](#)].



Vetoed Bills, Enhancements & New Crimes

WHILE THE 2013 LEGISLATIVE SESSION RESULTED IN many successes, advocates of wider improvements to the criminal and juvenile justice systems did encounter various setbacks. As noted on pages 21-22, bills that would have more effectively addressed addiction failed to gain necessary traction.

Separately, two keys bills were vetoed, the penalties for some existing crimes were enhanced, and new crimes were added to code.

□ **Vetoed**

- **HB 1790 (Longoria; Senfronia Thompson; Burnam; Hughes; Rose)** would have authorized a judge to reduce a person's state jail offense to a Class A misdemeanor after that person successfully completed all supervision, victim restitution, treatment, and other requirements set by the judge – provided the offense was not violent or sexually based. Prior to modifying the record of conviction, the judge would have required the consent of the district attorney; furthermore, modification of the record would have to have been in the best interests of justice.

HB 1790 would have incentivized a probation term, which is more effective, as well as 31 times less expensive per day, than a state jail term, where individuals have little if any access to treatment and programming options. Additionally, because the bill would have reduced the likelihood of a felony conviction on someone's record, it would have helped to increase people's access to employment, housing, and other critical tools for personal responsibility.

- **SB 1234 (Whitmire)** would have addressed the state's penalization of truancy offenses in adult courts. In 1993, Texas lawmakers created a separate criminal school attendance offense known as "failure to attend school," which is categorized as a Class C misdemeanor punishable under a municipal or justice of the peace court. Unfortunately, this has resulted in large fines and court costs that burden indigent families, while leaving youth with an adult offense on their record.

SB 1234 would have recategorized truancy as a juvenile offense and implemented a progressive sanction model, which would have alleviated court dockets, minimized the financial and legal burden on families, and helped youth access behavioral services that can reduce truancy.

□ **Criminal Penalty Enhancements**

TCJC has long opposed penalty enhancements, for 3 major reasons:

- **Enhancements Fill Costly Jail and Prison Beds, and Create State and Taxpayer Burdens.** Criminal penalty enhancements can lead to a boost in arrests and even longer sentence lengths for eligible offenses. Enhancements may also prevent individuals from being considered parole-eligible earlier. Not only do additional enforcement strategies and longer lengths-of-stay result in increased costs to taxpayers, but a misdemeanor to felony increase also shifts the financial burden for confinement from counties to the state.
- **Enhancements Lead to Expensive Facility Construction.** As inmate populations swell, jail and prison construction becomes an expensive byproduct. Already, Texas spends more than 86% of its biennial corrections budget (which totals more than \$6 billion) on incarceration at the state level, while counties are struggling to manage their costly jail populations, at least half of which are typically comprised of defendants awaiting trial. By increasing criminal penalties and creating new classes of offenses that require jail time, Texas will continue to strain criminal justice resources that could be focused on approaches that effectively reduce crime.
- **Enhancements Undermine Texas' Bipartisan-Led Shift from Incarceration to Truly Effective Rehabilitative Approaches to Criminal Behavior.** The legislation of criminal enhancements is working at cross-purposes with the energy that Texas lawmakers have recently invested in diversion and treatment efforts. Rehabilitative strategies keep people safely in their communities, where they are able to access needed services, maintain employment, and care for their families under the supervision of qualified practitioners. Incarceration, on the other hand, threatens county tax bases (as the number of individuals with criminal records rises), while also increasing reliance on welfare and other public assistance upon reentry.

According to a preliminary count of enhancements by the Texas District and County Attorneys Association, policy-makers passed 20 bills that enhance existing crimes during the 2013 legislative session.

□ **New Crimes**

Again, TCJC prioritizes strategies that truly address the root causes of criminal behavior over the creation of new crimes, where possible.

According to a preliminary count of new crimes by the Texas District and County Attorneys Association, policy-makers created 33 new crimes (6 felonies, 18 Class A and B misdemeanors, and 9 Class C misdemeanors) during the 2013 legislative session.



Rep. Oscar Longoria with Witnesses in Favor of HB 1790

Special Session Update: Juvenile Life Without Parole

At the request of Texas prosecutors, Governor Perry added the sentencing of juvenile capital offenders to both special sessions this year.

Background: In 2012, the US Supreme Court’s decision in *Miller v. Alabama* found that automatically sentencing minors to life without the possibility of parole violates the Constitution’s ban on cruel and unusual punishment. The Court noted that minors are both more capable of rehabilitation and less culpable for their crimes because of their still-developing brains and their lack of independence from their family and environment. Because of that lower culpability and higher chance for change, the *Miller* decision forbids automatic imposition of life without parole for offenders younger than 18.

At the time of the *Miller* decision, Texas law required such automatic life-without-parole sentences for minors tried as adults and convicted of capital offenses. As such, legislation was necessary to reform the state’s capital murder sentencing statute and bring it in line with the *Miller* decision.

Bills During Texas’ 2013 Special Sessions: Legislators filed various bills during Texas’ special sessions in efforts to align state law with *Miller*, with much attention focused on the following bills:

- **SB 23** (Huffman) [Sponsors: Kolkhorst; Moody; Carter; King, Phil]: Relating to the punishment for a capital felony committed by an individual younger than 18 years of age. **First special session; failed to pass due to time constraints.**
- **SB 2** (Huffman) [Sponsors: Kolkhorst; Moody; Carter; King, Phil]: Relating to the punishment for a capital felony committed by an individual younger than 18 years of age. **Second special session; signed into law by the Governor.**

With strong prosecutor support, both bills mandated an automatic life sentence with the possibility of parole after 40 years of imprisonment. TCJC and many others took the position that the bills did not meet the spirit or intent of the *Miller* decision.

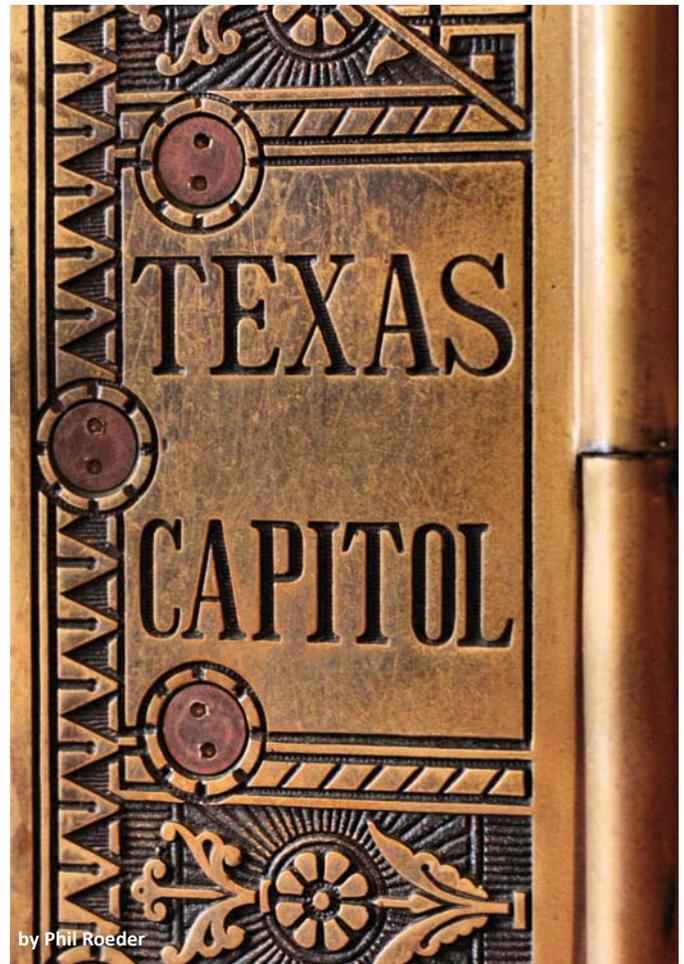
During the special session committee hearings, legal experts, TCJC, and other advocates testified that Texas must provide all minors with a meaningful opportunity for release, determined through individualized assessments. Advocates also emphasized that parole eligibility after 40 years essentially equated to a sentence of life without parole, given the life expectancy of incarcerated individuals.

Outcome & Future Hopes: Unfortunately, as noted above, the Legislature ultimately passed **SB 2** in the second special session.

Senator José Rodríguez was the sole vote against that bill in the Senate. In [his statement in the *Senate Journal*](#) explaining his vote against SB 2, Senator Rodríguez wrote:

“Although we had ample time to improve this legislation, we did not do so. I voted against S.B. 2 because I believe it is unnecessarily inflexible and takes discretion out of the hands of Texas judges and juries, who are in the best position to judge the merits of each case.”

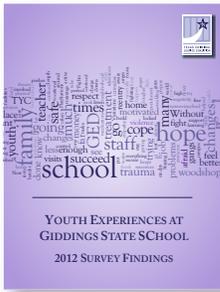
TCJC hopes the state will soon provide Texas judges and juries with the ability to sentence minors appropriately based on the unique characteristics of youth, and to offer these minors a meaningful opportunity for release.



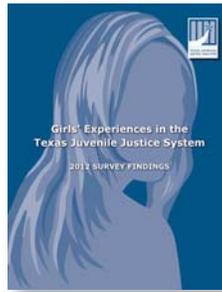
by Phil Roeder

Key Reports, Features, and Resources (2012-2013)

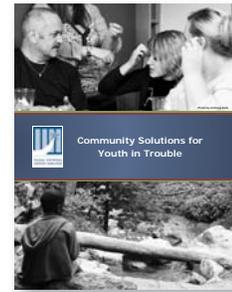
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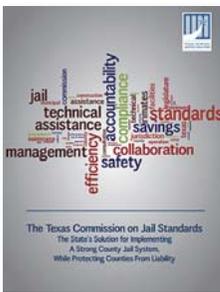
Youth Experiences at Giddings State School: 2012 Survey Findings
March 2012



Girls' Experiences in the Texas Juvenile Justice System
October 2012



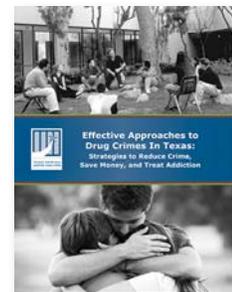
Community Solutions for Youth in Trouble
October 2012



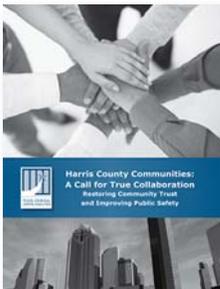
TCJS: The State's Solution for Implementing a Strong County Jail System, Helping Counties Implement What Works While Protecting Counties
December 2012



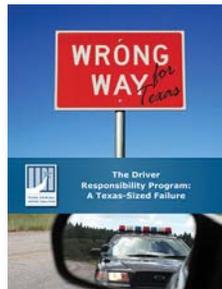
Texas Indigent Defense Commission: Helping Counties Implement What Works For System-Wide Cost Savings
January 2013



Effective Approaches to Drug Crimes in Texas: Strategies to Reduce Crime, Save Money, and Treat Addiction
January 2013



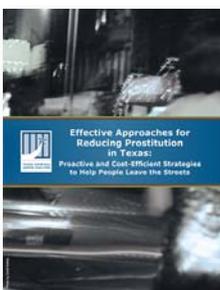
Harris County Communities: A Call for True Collaboration – Restoring Community Trust and Improving Public Safety
January 2013



Driver Responsibility Program: A Texas-Sized Failure
February 2013



The Case for Independent Oversight of Texas' Prison System: Pursuing Accountability, Efficiency, and Transparency
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Effective Approaches For Reducing Prostitution in Texas
April 2013



Effective Approaches For Reducing Graffiti in Texas
April 2013



Flyer: Legislative and County Resources provided by the Texas Criminal Justice Coalition
July 2013

BE PART OF THE SOLUTION – DONATE TODAY!

TCJC’s work to find and advocate in favor of juvenile and criminal justice solutions is made possible by the financial support of caring individuals like you.

Your tax-deductible donation will be well spent on our research, public education, outreach, and monitoring efforts that help us create stronger families, less taxpayer waste, and safer communities.

GIVE TODAY!

Click the **“Take Action”** link in the red toolbar at the top of our website, www.TexasCJC.org; from that link, you will see a **“Donate Now!”** option, where you can make a secure online donation.

Or, you can send a check or money order to:



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1714 Fortview Road, Suite 104
Austin, Texas 78704



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