H.B. 1205 (REPRESENTATIVES TURNER, ALLEN, ALISEDA, EDDIE RODRIGUEZ, AND GALLEGOS; SENATOR ELLIS): Relating to the procedures for reducing or terminating community supervision and the establishment of certain time credits through which a defendant’s period of community supervision is reduced.

INTENTION

H.B. 1205 aims to give probationers positive incentives (time credits) for compliance with conditions of probation, while maintaining traditional sanctions for non-compliance. Probationers receiving time credits can reduce their time spent under community supervision, both encouraging positive behavior on their part and freeing up Community Supervision and Corrections Departments (CSCDs) to focus supervision resources on individuals with more serious and risky offenses. According to the bill author’s statement of intent, “evidence suggests that positive reinforcements that are administered four times as often as negative reinforcements are optimal for promoting behavior changes,” and that “probation supervisors should make every effort to employ this 4:1 ratio to best ensure that individuals serving a term of community supervision successfully meet the conditions of the community supervision.” To that end, a judge should have the authority to award credit toward the completion of a community supervision term for the fulfillment of certain specified court-ordered obligations.

IMPLEMENTATION

H.B. 1205 applies only to individuals placed on probation or deferred adjudication for state jail and 3rd degree felonies, excluding those convicted of:

- Alcohol-related offenses under Chapter 49 of the Penal Code.
- Offenses involving family violence as defined by Section 71.004 of the Family Code.
- An offense included as a reportable conviction or adjudication under the sex offender registration program.

In FY 2010, excluding those categories, H.B. 1205 would still potentially affect more than 89% of people placed on probation for state jail felony and 3rd degree felonies, or nearly 20,000 individuals placed on probation that year.

That said, individuals are only eligible for time credits if the judge ordered as a condition of probation that they:

- Earn a high school equivalency certificate, high school diploma, or associate’s degree;
- Pay certain court costs, fines, attorney’s fees, and/or restitution; and/or
- Complete a certain treatment or rehabilitation program.
H.B. 1205 creates incentives for compliance with certain probation conditions by awarding time credits for common conditions of supervision. It is anticipated that more individuals will complete their education, pay fines, fees, and court costs, and participate in various treatment and behavior modification programs commonly offered by Texas CSCDs as a result of this new law.

In addition, reducing supervision lengths for successful probationers frees up CSCD resources to focus on higher-risk probationers. Eligible probationers will have their overall probation terms reduced upon meeting the requirements in the new law and become eligible more quickly for a court to review their case for possible early termination of supervision. We highly encourage the utilization of this tool for better public safety outcomes.