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Written Testimony, 2011  
House Bill 2412

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of House Bill 2412. Under this bill, inmates who have committed certain drug possession offenses will be released to mandatory supervision. The Texas Criminal Justice Coalition supports this bill because it will reduce the financial strain otherwise associated with further incarceration, safely free up prison beds for those who pose a true threat to public safety, and allow nonviolent individuals with substance abuse issues to participate in and complete treatment while being supervised in the community.

### **PROBLEM**

Texas must halt the wasteful expenditure of millions of dollars each year on the status quo: incarcerating low-level, nonviolent drug users. In Fiscal Year 2010, more than 11,000 individuals (27% of incoming inmates) were received by state prisons for a drug offense,<sup>1</sup> and 62% of those individuals were charged with possession, as opposed to delivery or other offenses.<sup>2</sup> At rates of \$50.79 per day to incarcerate these individuals,<sup>3</sup> Texas is spending **more than \$350,000 daily** to house individuals who committed nonviolent possession offenses.

### **KEY FINDINGS**

- With prison beds costing the state more than \$50 per inmate per day and parole costing only \$3.74 per individual per day,<sup>4</sup> the beds must be preserved for individuals who have committed violent offenses and who carry a higher risk of failure on parole.
- Incarceration results in significantly greater levels of re-offending than treatment and other risk-reduction alternatives, which are proven to be more cost-efficient, as well as programmatically effective. Specifically, treatment combined with cognitive skills programming can decrease criminal behavior by 44%, while incarceration can increase an individual's inclination towards criminal activity by .07%.<sup>5</sup>

### **SOLUTION: SUPPORT H.B. 2412 BY REPRESENTATIVE MILES**

- ***H.B. 2412 makes fiscal sense and would free up prison space for legitimate threats to public safety.*** Costly prison beds should be reserved for individuals who represent a danger to society. Someone who has already served years in prison for drug possession is unlikely to benefit from more time behind bars, especially given the scarcity of effective treatment programming inside prison walls. Furthermore, keeping drug addicts in prison for extended periods of time consumes space and exhausts other institutional resources, thereby allowing for potential prison overcrowding.
- ***H.B. 2412 would put many individuals with substance abuse issues on the path to rehabilitation. Permitting*** individuals with small-time drug possession offenses to qualify for mandatory supervision will allow them to return to their communities, seek out the support of their families, and become responsible, self-reliant citizens.
- ***H.B. 2412 would allow the Texas Board of Pardons and Parole more time to focus on necessary casework.*** This bill will allow the Parole Board to spend more time reviewing files for individuals convicted of violent, sex, and property offenses, and promote better decision-making.

I appreciate the opportunity to testify before this Committee and to offer our organization's ideas about this important issue. H.B. 2412 offers a pragmatic ways to safely reduce the state's costly prison population and focus limited resources on individuals who truly pose a threat to public safety. We hope that this Committee will vote in favor of this bill.

*Citations on reverse.*

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<sup>1</sup> Texas Department of Criminal Justice, “Statistical Report Fiscal Year 2010,” pg. 2.

<sup>2</sup> *Ibid.*, pg. 21.

<sup>3</sup> Legislative Budget Board, “Criminal Justice Uniform Cost Report: Fiscal Years 2008 – 2010,” Submitted to the 82<sup>nd</sup> Texas Legislature, January 2011, pg. 6; using Fiscal Year 2010 per-day CID incarceration costs.

<sup>4</sup> *Ibid.*, pg. 10; using Fiscal Year 2010 per-day active supervision costs.

<sup>5</sup> Judge Marion F. Edwards, “Reduce Recidivism in DUI Offenders: Add a Cognitive-Behavioral Program Component,” 2006, pg. 3.