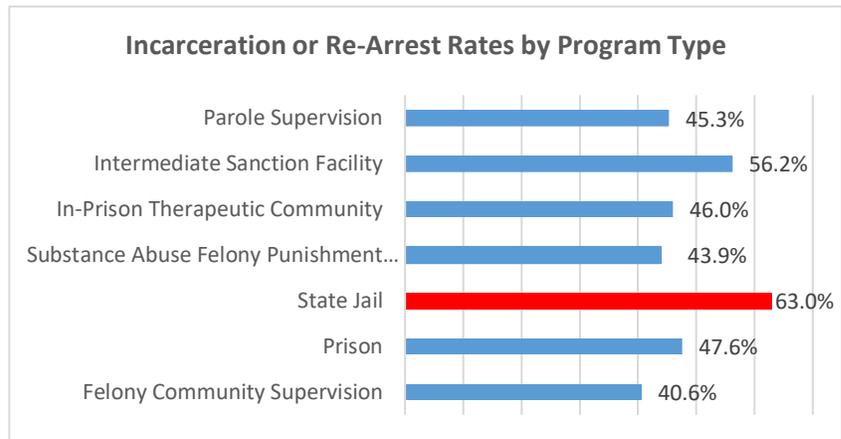




Diligent Participation Credits: A Smart Way to Create Cost Savings and Improve Public Safety

Nearly 16,000 people are annually sent to Texas' state jail system, which predominantly houses those convicted of nonviolent property or drug offenses, like possession of less than a gram of a controlled substance.¹ Unfortunately, state jails have the highest recidivism rate of all correctional programs,² costing the state hundreds of millions of dollars each year without improving public safety outcomes.³

In part, this high rate of re-offending may be attributable to the fact that state jails have fewer rehabilitative services available to people housed in them, and that people sentenced to state jail are not eligible for parole – meaning they must serve each day of their sentence.⁴ This reduces people's motivation to engage in the services that *are* available.



To partially remedy this problem, Texas statute allows judges to authorize a 20 percent time credit for program participation in state jails. However, the credit is under-utilized: As of 2019, only 52.2 percent of state jail releases received the diligent participation credit.⁵

Texas could save up to \$60 million over the biennium, while giving more people the tools that will keep them safe and successful in our communities.

Texas should allow the Texas Department of Criminal Justice to grant credit to people who participate in programming, instead of only allowing judges to do so. The Department is best positioned to determine if the credit is warranted, as prison officials have access to program participation and disciplinary records that the judge does not see. Improving diligent participation credits and expediting release of people

from state jails could save Texas up to \$60 million over the biennium, while programming participation will give more people the tools to keep them safe and successful in our communities.

SUPPORT SB 122 BY SENATOR JOHNSON

SB 122 simply removes the requirement that the judge make a finding of eligibility for diligent participation credits and authorizes the Texas Department of Criminal Justice to automate the enrollment of individuals and award the 20 percent time credit to those who engage in programming and avoid disciplinary infractions.

Citations

¹ Texas Department of Criminal Justice, *FY 2019 Statistical Report*, 2,

https://www.tdcj.texas.gov/documents/Statistical_Report_FY2019.pdf. Receives into state jail totaled 15,362.

² Legislative Budget Boards, *Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates*, January 2021, 4,

https://www.lbb.state.tx.us/Documents/Publications/Policy_Report/6293_CJDA_Recidivism-Revocation.pdf.

³ Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2019 and 2020*, January 2021, 5,

https://www.lbb.state.tx.us/Documents/Publications/Policy_Report/6292_CJDA_Uniform_Cost.pdf. Calculated by taking the total receives, 15,362 (per Note 1), and multiplying by the FY 2019 cost per day (\$55.40) at an average number of days served of 194 (per TDCJ's *Statistical Report*, people serve on average 10.8 months in state jail, minus time in county jail).

⁴ Texas Criminal Justice Coalition, *A Failure in the Fourth Degree: Reforming the State Jail Felony System in Texas*, October 2018,

<https://www.texascjc.org/system/files/publications/A%20Failure%20in%20the%20Fourth%20Degree%20Report.pdf>.

⁵ Legislative Budget Boards, *Fiscal Note for HB 4566 (Allen)*, 86th Legislative Regular Session, April 17, 2019,

<https://capitol.texas.gov/tlodocs/86R/fiscalnotes/pdf/HB04566I.pdf#navpanes=0>.