



## HB 1509: Vote NO on Enhancing Penalties for Individuals with Minor Offenses

**HB 1509** enhances the criminal penalty from a Class A misdemeanor to a state jail felony if a person has been convicted four or more times in the past ten years, and at least one of the previous convictions was a felony.

### How will HB 1509 impact Texas?

- **Over 26,000 individuals<sup>1</sup> will be unfairly punished by this bill, rather than connected to services that can help them stabilize and live successfully in Texas communities.** Individuals with repeat minor offenses are often struggling with a substance use disorder and/or severe, chronic mental illness. It is problematic to target and punish such individuals as opposed to connecting them to treatment opportunities and other evidence-based interventions within their communities.
- **Harsher punishment is not a proven solution for fixing the issue of minor repeat offenses – meaning this bill will not improve public safety.** Supporters of this bill believe that harsher sentencing will solve the issue of “repeat offending.” Again, this is not an evidence-based solution.
- **Thousands of individuals will enter state jails at significant taxpayer expense.** Enhancing a fifth offense from a Class A misdemeanor to a state jail felony would result in more individuals being pushed deeper into the criminal justice system, with approximately 5,000 people<sup>2</sup> being incarcerated in a state jail facility, at a potential cost to taxpayers of nearly \$185,000 to \$315,000 *per day*.<sup>3</sup>

### Vote NO on HB 1509

**HB 1509** will **not** solve the issue of individuals committing multiple minor offenses. State leaders must focus on helping people stabilize, access help, and live healthier lives within our communities.

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<sup>1</sup> This figure is from a data request to the Texas Department of Public Safety (DPS); data was received by the Texas Criminal Justice Coalition in February 2021. The request asked DPS to calculate the number of Class A misdemeanors during the prior year that would have been enhanced to a state jail felony had this bill been in effect.

<sup>2</sup> This is an estimate based on knowledge regarding sentencing patterns. Some of the 26,000 individuals would have their cases dismissed or be placed on probation, while about 20 percent (5,200 people) would be sentenced to time in a state jail facility.

<sup>3</sup> Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2019 and 2020*, January 2021, 5-6, [https://www.lbb.state.tx.us/Documents/Publications/Policy\\_Report/6292\\_CJDA\\_Uniform\\_Cost.pdf](https://www.lbb.state.tx.us/Documents/Publications/Policy_Report/6292_CJDA_Uniform_Cost.pdf). Per-day state jails costs are \$36.79 at private facilities and \$62.52 at state-operated facilities; multiplying these figures by 5,000 people equals \$183,950 and \$312,600 in daily costs, respectively.