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FACT SHEET, 2011
House Bill 2650

Dear Members of the Committee,

Thank you for the opportunity to present testimony in favor of H.B. 2650. This bill empowers judges with the flexibility to make particularized assessments of probationers and fashion progressive sanctions that will maintain public safety and facilitate probationers' success. Texas' use of probation has led the nation as a model of correctional reform, and the ability to keep probationers on supervision reduces costly recidivism, while aiding their rehabilitation as probationers lead a productive life in free society. H.B. 2650 is an important step in continuing this success.

PROBLEM

Judges and probation officers play important roles in reducing recidivism, as they are the gatekeepers of the correctional system. Unfortunately, the current system offers judges and probation officers limited tools to tailor effective remedies that address the particular needs of individual probationers. Specifically, the Texas probation system lacks flexibility in its revocation process. For violations of probation conditions, all probationers must go before a judge for sentencing. Yet incarceration is not a universal solution to a violation of a probation condition.

In addition, Texas has led the nation in probation reform by focusing on treatment, programming and rehabilitation within the community. The current system, however, does not sufficiently equip judges or probation officers with the ability to make individual determinations and fashion alternative sanctioning mechanisms to keep probationers in the community, and thus it effectively undermines the progress that Texas has made thus far.

FACTS

- The average per day cost for individuals on basic direct community supervision was \$2.92 in fiscal year 2010.¹ Probationers are responsible for \$1.62 of that fee, and the state pays \$1.30.²
- A recent survey from the Texas Public Policy Foundation found that 80% of respondents favored requirements that would allow first-time, low-level probationers to work and pay restitution while on mandatory probation supervision, which would help close the budget shortfall. Approximately 77% of conservatives surveyed favored this approach.³

SOLUTION: SUPPORT H.B. 2650 BY REPRESENTATIVE ALLEN

- H.B. 2650, which will have no fiscal impact on the state, would do the following:
 - It requires the judges of each judicial district to adopt a single system of progressive intermediate sanctions that includes penalties in lieu of incarceration for each of the following violations, including but not limited to:
 - (1) Failure to report
 - (2) Failure to participate in programming or services
 - (3) Failure to refrain from alcohol or drug use
 - (4) Failure to pay fines, fees, and costs
 - (5) High-risk cases
 - It requires the Community Justice Assistance Division (CJAD) to establish a model list of intermediate sanctions that judges may use in each judicial district.

Continued on reverse.

- It prevents probation officers from using a progressive intermediate sanction as punishment for a felony.
- It authorizes judges to empower probation officers to modify probation conditions in accordance with a progressive intermediate sanction.
- It provides probationers with due process via notice and a hearing when they receive a progressive intermediate sanction.
- It prevents courts from revoking a probationer to incarceration for a violation after the completion of a progressive intermediate sanction.
- It prevents probation officers from extending the length of community supervision via a progressive intermediate sanction or from imposing a period of confinement in a correctional facility as a progressive intermediate sanction.
- It requires each judicial district to establish a review process to consider candidates for reduction or early termination of probation.

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Thank you again for the opportunity to testify in favor of H.B. 2650. Giving judges and probation departments the option of imposing non-custodial, administrative sanctions for probation violations will enable them to place the probationer in more appropriate or intensive treatment or programming as needed. This will more swiftly and effectively prevent further violations and future revocations, as well as prevent criminal behavior down the road. It will also better encourage leniency for the lower-level, nonviolent violators whose offenses do not warrant treatment or programming.

This is an effective bill regarding bolstering the existing success of Texas' community supervision. Please consider this testimony in your analysis of the policy.

¹ LBB Criminal Justice Uniform Cost Report Fiscal Years 2008-2010, 3.

² *Ibid*, 11.

³ Texas Voter Survey: March 20-22, 2011 (preliminary results), Texas Public Policy Foundation. <http://www.rightoncrime.com/wp-content/uploads/2011/04/TX-Poll-Toplines.pdf>.