

# **[2017 Session] Improve Texas' Probation System to Encourage Successful Completion**

## **Policy Background:**

Probation is a critical alternative to incarceration, where people can access community-based services while being held accountable for meeting strict requirements. Rigorous supervision can ensure people are adhering to treatment regimens and housing and employment requirements, all of which help lower rates of reoffending.

However, it is critical that probation departments are properly resourced to provide probationers with the tools that address the root causes of their criminal behavior, including treatment, education assistance, job training and placement, housing assistance, and other life skills training. Furthermore, probationers should not be unnecessarily penalized for failing to meet administrative (technical) conditions of probation, like reporting and fee payments.

Texas policy-makers should: (1) take steps to reduce revocations for technical violations, as well as time served for technical violations, and implement “swift and certain” sanctions; (2) address fees and fines to ensure that people can remain successful on probation; and (3) ensure probation conditions are appropriate in light of the offense and risk level.

## **Key Facts:**

- As of August 2015, approximately 380,000 people were on probation in Texas, with 246,000 on direct supervision (meaning they have at least one face-to-face contact with a probation officer every three months).<sup>1</sup>
- Technical violations of supervision conditions – which do not constitute new offenses, but instead include things like failing to pay court-ordered fees or report to a probation officer – accounted for approximately 50% of adult felony probation revocations in Fiscal Year 2016.<sup>2</sup>
- Felony probation revocations accounted for 14,025 of 42,743 prison admissions (33%) and 10,044 of 22,272 state jail admissions (45%) in Fiscal Year 2014.<sup>3</sup>

## Relevant Bills:

- **Bill Number:** [HB 3289](#) [White]  
**Bill Caption:** Relating to the procedures for certain technical violations of community supervision.  
**TCJE Materials:** [Fact Sheet](#)  
**House Hearing Notice:** [Corrections, April 12, 2017](#)  
**TCJE House Action:** [Testimony in support](#)
- **Bill Number:** [HB 2724](#) [Rose]  
**Bill Caption:** Relating to community supervision in this state and the waiver or modification of certain fees, fines, and costs imposed on certain defendants; changing fees applicable to community supervision or a defendant's participation in certain programs.  
**House Hearing Notice:** [Criminal Jurisprudence, May 1, 2017](#)  
**TCJE House Action:** [Testimony in support](#)
- **Bill Number:** [SB 1582](#) [Garcia]  
**Bill Caption:** Relating to community supervision in this state and the waiver or modification of certain fees, fines, and costs imposed on certain defendants; changing fees applicable to community supervision or a defendant's participation in certain programs.
- **Bill Number:** [HB 2883](#) [Allen, White]  
**Bill Caption:** Relating to the conditions of community supervision.  
**TCJE Materials:** [Fact Sheet](#)  
**House Hearing Notice:** [Corrections, April 12, 2017](#)  
**TCJE House Action:** [Testimony and card in support](#)
- **Bill Number:** [SB 1584](#) [Garcia; Sponsors: Allen, White]  
**Bill Caption:** Relating to the conditions of community supervision.  
**TCJE Materials:** [Fact Sheet](#)  
**Senate Hearing Notice:** [Criminal Justice, April 11, 2017](#)  
**TCJE Senate Action:** [Testimony and card in support](#)  
**House Hearing Minutes:** [Corrections, May 3, 2017](#)  
**Outcome:** *Signed by the Governor; effective on 9/1/17*

## Other Bills Related to Probation Fees & Fines and to Efforts to Reduce Probation Revocations:

- **Bill Number:** [HB 3070](#) [White]  
**Bill Caption:** Relating to the payment of certain costs, fines, fees, or restitution by a defendant placed on community supervision.
- **Bill Number:** [HB 1504](#) [Allen]  
**Bill Caption:** Relating to a community supervision and corrections department policy regarding supervision officer meetings and visits.  
**House Hearing Notice:** [Corrections, March 23, 2017](#)  
**TCJE House Action:** [Testimony in support](#)
- **Bill Number:** [HB 1505](#) [Allen]  
**Bill Caption:** Relating to conditions of community supervision prohibiting contact with certain persons.  
**House Hearing Notice:** [Corrections, March 23, 2017](#)  
**TCJE House Action:** [Testimony in support](#)

## Other Materials:

- [TCJE Interim Testimony](#) before House Criminal Jurisprudence and Corrections Committees [May 2016]

*Charge:* Examine fees and revocations for those on probation and parole; examine effectiveness of fees imposed as a condition of probation and parole; study technical revocations in adult probation to identify drivers of revocations, disparities across the state, and strategies for reducing technical revocations while ensuring program effectiveness and public safety.

- [TCJE Interim Testimony](#) before Senate Criminal Justice Committee [May 2016]

*Charge 3:* Review current programs provided by the Texas Department of Criminal Justice (TDCJ) and the Windham School for incarcerated persons to prepare them for re-entry, including inmates in administrative segregation. Examine opportunities for incarcerated persons once they are released and make recommendations to expand successful programs to provide resources and support for released inmates. Assess the success of Certified Peer Support Services. Continue to monitor the Darrington Seminary Program. Study the

continuity of care for individuals released from TDCJ, the Windham School, and county and municipal jails and make recommendations if needed.

- [TCJE Interim Testimony](#) before House Corrections Committee [February 2016]

*Charge:* Study incarceration rates for non-violent drug offenses and the cost to the state associated with those offenses. Identify alternatives to incarceration, including community supervision, that could be used to reduce incarceration rates of non-violent drug offenders.

- TCJE Report: [Effective Approaches to Drug Crimes in Texas: Strategies to Reduce Crime, Save Money, and Treat Addiction](#) [January 2013]

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<sup>1</sup> Texas Department of Criminal Justice, *Statistical Report: Fiscal Year 2015*, p. 6.

<sup>2</sup> Texas Department of Criminal Justice, (TDCJ), Community Justice Assistance Division, *Report to the Governor and Legislative Budget Board on the Monitoring Community Supervision Diversion Funds*, December 1, 2016, p. 16. Of 22,606 total felony revocations to TDCJ in FY 16, 11,407 were technical revocations.

<sup>3</sup> Legislative Budget Board, *Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates*, February 2015, p. 16; of 25,090 direct felony probation revocations in FY 2014, 55.9% were revoked to prison and 40.1% were revoked to state jail. See also Texas Department of Criminal Justice, *Statistical Report: Fiscal Year 2014*, p. 2, for total receives into prison and state jail in FY 2014.