# [2015 Session] Allow the Texas Department of Criminal Justice to Provide the Timely Award of Credits for Participation in Self-Improvement Programming in State Jails, to Relieve the Current Burden on Judges

## Policy Background:

Texas' state jail system, created in 1993, was originally intended to divert individuals with nonviolent offenses from crowded prisons and provide them rehabilitative assistance. However, individuals sentenced to state jail facilities have extremely limited access to treatment and programming options.

Recognizing that individuals in a state jail facility would benefit significantly from rehabilitative and self-improvement programs, Texas' 2011 Legislature ratified HB 2649, which allows individuals to receive limited "diligent participation" credits for successful participation in available state jail programs. However, the implementation of this incentive scheme has been impeded by confusion among practitioners in the court and jail system with regard to who is authorized to grant credits to a state jail inmate, leaving judges unwilling to grant credits when appropriate.

Texas policy-makers should require Texas Department of Criminal Justice to grant credits to programming participants in state jails. Fully implementing the legislative plan to grant credit to individuals who choose to improve their lives through programming is a practical and responsible measure that will help ease the strain of costly state jail stays while improving public safety and strengthening communities.

## Key Facts:

- A study of more than 3,600 individuals who participated in prison education programs showed they were 29% less likely to be re-incarcerated than non-participants.[1]

- The average cost per day per person in a state jail facility is approximately $43.[2] As of August 2014, state jails held 10,524 men and women,[3] costing taxpayers approximately $450,000 per day.
- Also as of August 2014, 99% of people in state jails (10,390 of 10,524 people) were incarcerated for a nonviolent offense.[4]

## Relevant Bills:

- **Bill Number:** HB 1546 (author: Allen | sponsor: Rodríguez)
  **Bill Caption:** Relating to the award of diligent participation credit to defendants confined in a state jail felony facility.
  **TCJE Materials:** Fact Sheet | Testimony | CSHB 1546 Fact Sheet | CSHB 1546 Testimony
  **House Hearing Notice:** House Corrections Committee, Notice of Public Hearing on March 26, 2015
  **Archived House Hearing Video:** House Corrections Committee, 03/26/15 Video [TCJE testimony begins at 01:45:53]
  **Senate Hearing Notice:** Senate Criminal Justice Committee, Notice of Public Hearing on May 5, 2015
  **Archived Senate Hearing Video:** Senate Criminal Justice Committee, 05/05/15 Video [TCJE testimony begins at 00:07:00]
  **Outcome: Effective 9/1/15**
- **Bill Number:** SB 589 (Rodríguez, Hinojosa)
  **Bill Caption:** Relating to the award of diligent participation credit to defendants confined in a state jail felony facility.
  **TCJE Materials:** Fact Sheet | Testimony
  **Hearing Notice:** Senate Criminal Justice Committee, Notice of Public Hearing on March 17, 2015
  **Archived Hearing Video:** Senate Criminal Justice Committee, 03/17/15 Video [TCJE testimony begins at 01:14:26]

## Relevant Media:

- **Grassroots Leadership Press Release:** "National Advocacy Group Weighs in on Incentives to Decrease Texas' State Jail Population" *[March 17, 2015]*

[1] The Pew Center on the States, *Collateral Costs: Incarceration's Effects on Economic Mobility*, September 23, 2010, p. 23;
http://www.pewcenteronthestates.org/uploadedFiles/Collateral_Costs.pdf?n=8653

[2] Legislative Budget Board Report, *Criminal Justice Uniform Cost Report, Fiscal Years 2010-2012*, Submitted to the 83rd Texas Legislature, January 2013, p. 8 [using FY 2012 costs per person per day of $42.90];
www.lbb.state.tx.us/Public_Safety_Criminal_Justice/Uniform_Cost/Criminal%20Justice%20Uniform%20Cost%20Report%20Fiscal%20Years%202010%20to%202012.pdf

[3] Texas Department of Criminal Justice, *Statistical Report: Fiscal Year 2014*, p. 1;
http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2014.pdf

[4] *Ibid*.