FOR IMMEDIATE RELEASE
June 23, 2015

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84th Legislature Supports Smart Justice Policies

The Texas Legislature advanced important bills to prevent wrongful conviction, safely reduce the over-reliance on costly incarceration, reduce recidivism, and strengthen families.

AUSTIN, TX – The Texas Criminal Justice Coalition worked closely with lawmakers and coalition partners to pass important criminal and youth justice reforms this legislative session, some of which are featured below. These reforms will improve public safety in Texas communities and bring long-term cost savings to taxpayers. We applaud the 84th Legislature for these important criminal and juvenile justice reforms.

Innocence Reform: HB 48
With evidence that Texas has had more exonerations than any other state in the country, the Legislature passed legislation aimed at identifying the root causes of these wrongful convictions so that these mistakes can be avoided in the future. House Bill 48 creates the Timothy Cole Exoneration Review Commission to review all cases that resulted in exoneration and make recommendations to the Legislature to prevent future wrongful convictions. Named after Timothy Cole, who died in prison after serving 13 years for a rape he did not commit, this legislation has the potential to stop the miscarriage of justice caused when an innocent person is convicted for a crime he did not commit.

Sentencing Reform: HB 1396
Texas took a meaningful step towards smarter sentencing practices with HB 1396. This legislation includes several important provisions that will increase fairness within the criminal justice system. One such provision makes long-overdue updates to property offense “thresholds,” the dollar ranges corresponding to set penalties. These updates ensure that penalties are more proportionate to the crime committed.

Sadly, several notable reforms were vetoed. For example, HB 1363 would have expanded the use of prostitution diversion programs and incorporated counseling for victims of human trafficking. The bill also would have made prostitution a felony after the seventh offense instead of the fourth, taking into account research that confirms that most people engaged in prostitution are coerced or exploited by outside forces. This provision would have given people time to get help and counseling before incurring lifetime consequences.

We are also disappointed by the veto of HB 3184, which would have expanded the use of pretrial victim-offender mediation programs. These programs greatly improve criminal justice outcomes at a lower cost than incarceration, and help both victims and communities feel safer.

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Reducing Incarceration: HB 710, HB 1546
The Legislature passed two important policies that will safely reduce incarceration and, correspondingly, the tax dollars spent on confinement. HB 710 allows certain individuals on parole to be issued a summons, rather than serve jail time, while awaiting a revocation hearing for a Class C misdemeanor or a technical violation (other than absconding). This will save counties significant funds that are needlessly spent to incarcerate people who are not a threat to public safety.

Additionally, the Legislature passed HB 1546, which allows judges to utilize an expedited system to award credits towards an early release to individuals serving time in state jail if they participate in educational, vocational, rehabilitation, or work programs. Providing an incentive to participate in programs encourages individuals to seek out the tools and resources that help them remain law-abiding when they are released back to our communities.

Criminal Records: SB 1902
Millions of Texans face significant obstacles to employment, housing, or occupational licensing because of the increased access to criminal records by employers and landlords. The Legislature passed a major reform to limit access to these records so that past mistakes do not permanently haunt people who are trying to live productive lives. SB 1902 expedites the process by which an individual may receive an order of nondisclosure for a first-time deferred adjudication misdemeanor, and it expands eligibility to petition for an order of nondisclosure to those with first-time misdemeanor convictions.

Sadly, two significant reforms passed by the Legislature were vetoed. SB 130 would have extended eligibility for orders of nondisclosure to individuals whose convictions have been set-aside, and HB 3579 would have improved the expunction and nondisclosure processes, among other provisions.

Successful Reentry: HB 1510, HB 943, SB 578, SB 200
The Legislature advanced various pieces of legislation that are designed to decrease recidivism for the nearly 75,000 people who are released from prison each year. HB 1510 is an important measure that eliminates the risk of lawsuits when landlords, leasing agents, and property managers lease property to people with criminal records. Members also passed HB 943, which requires judges to view incarceration as a financial hardship before establishing child support orders. The legislation removes the automatic presumption of earned income while a parent is incarcerated, thereby promoting family reunification and decreasing child support collection costs incurred by the state. This will lead to quicker restoration of regular child support payments as formerly incarcerated parents begin new lives.

Additionally, the Legislature passed SB 578, which requires the Texas Department of Criminal Justice to provide reentry resource material to incarcerated individuals prior to release so that they can develop successful reentry plans. This legislation will improve the transition from prison to the community. The Legislature also restored access to the Supplemental Nutritional Assistance Program, formerly called Food Stamps, to those with felony drug convictions. SB 200 includes a provision to provide essential food assistance to people as they are released from prison, and connects them with employment and training programs to help them get back on their feet. By promoting financial and employment stability, the reform is likely to reduce overall recidivism rates at no additional cost to the state.

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Youth Justice: HB 2398, HB 2684, HB 431, SB 1630

The Legislature’s decriminalization of truancy is a major victory for Texas youth. Since 1993, Texas has treated truancy as an adult Class C Misdemeanor that carries up to a $500 fine; over 100,000 students are sent to adult criminal courts each year. HB 2398 reforms Texas’ truancy system by repealing the prior Class C misdemeanor and instead creating a new civil offense. This legislation removes overly punitive sanctions, which have been shown to be ineffective at addressing truancy and may actually further alienate youth from school. HB 2398 also ensures that youth have a better chance at success by reducing the $500 fine to a $50 court cost and requiring schools to employ truancy intervention procedures that are designed to keep as many students as possible away from the court system. This legislation is a great step towards ending the school-to-prison pipeline.

HB 2684, another school-related reform, enhances the training curriculum for school officers to include training related to areas such as child and adolescent development, special needs, conflict resolution, de-escalation techniques, and positive behavioral interventions and supports. School police officers have not previously received specialized training on how to work effectively with students in an educational environment. Undergoing this supplementary training will enable school police officers to more appropriately respond to student behavior by taking into account the developmental and physical differences between youth and adults.

HB 431 requires the creation of an advisory committee of stakeholders to examine best practices surrounding the retention of juvenile records. Youth who make mistakes and commit low-level offenses may pay for them long after the fact given the challenges that accompany a juvenile record, and we encourage the advisory committee to recommend policies that mitigate these collateral consequences.

Finally, the Legislature continued its major reforms of the juvenile justice system that began in 2007. SB 1630 builds upon research from the Council of State Governments showing that youth treated within their communities have better outcomes than youth sent to distant, state-run juvenile justice facilities. This legislation moves the Texas Juvenile Justice Department to a regional model that keeps youth closer to home in lieu of commitment to state facilities, and permits youth to be sent to state facilities only if community resources cannot meet their needs. Amendments to the bill ensure greater numbers of youth can be safely served at the county level. These amendments require juvenile probation departments to use validated risk and needs assessments to assess youth at intake, and require the State to measure the success of programs by taking into account outcomes associated with youths’ well-being, such as family and community engagement. Another amendment expands the jurisdiction of the Office of the Independent Ombudsman, an external advocate for the rights of youth in custody, to include youth placed out of the home post-adjudication so that these youth are afforded the same level of protection as those in state custody. Overall, SB 1630 is an effective policy that will allow more youth to succeed, and it puts in place safety and accountability measures to ensure Texas is protecting our youth, our communities, and our tax dollars.

TCJC is a proud member of the Texas Smart-On-Crime Coalition. For the Coalition’s post-session press release, please visit tinyurl.com/CoalitionPressRelease84th.

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The Texas Criminal Justice Coalition works with peers, policy-makers, practitioners, and community members to identify and promote smart justice policies that safely reduce the state’s costly over-reliance on incarceration – creating stronger families, less taxpayer waste, and safer communities.