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TESTIMONY, 2011

H.B. 1205

Dear Members of the Committee,

Thank you for allowing me the opportunity to submit written testimony regarding the public safety benefits associated with permitting judges to grant time credits to eligible probationers as an incentive for the successful completion of certain rehabilitation and educational programs.

PROBLEM

During FY 2010, Texas had an average total direct supervision population of 172,893 individuals.¹ Texas also had 25,456 felony probation revocations during that time, for an average recidivism rate of 14.7%.² Although this recidivism rate is relatively low, probation revocations were responsible for sending 31.7% of individuals to Texas prisons during FY 2010.³

Probation revocations are costly from both a fiscal and public safety perspective. The programming available to probationers to address the causes of criminal behavior significantly reduces the likelihood of costly future convictions, whereas revocations deprive probationers of beneficial treatment. **H.B. 1205 creates a system of incentives that encourage the completion of behavioral milestones for probationers.** Specifically, this bill will provide credit towards the completion of community supervision sentences via a system of programming incentives, once a probationer has satisfied his or her fee and restitution obligations. Time credits will be awarded **with judicial approval** upon a probationer's completion of education courses, treatment, cognitive behavioral programming, and other betterment milestones. **NOTE: H.B. 1205 does not apply to any individual who has committed a 3g offense, DWI offense, sex-related offense, or family violence offense.**

FACTS

- A community supervision revocation is a costly punishment. Incarceration costs \$50.79 per day, whereas probation costs \$1.74 per day.⁴
- Bringing probationers into compliance with fee obligations and victim restitution is a time-consuming and inefficient task often relegated to probation officers. **Time credit incentives will encourage the full satisfaction of financial obligations to the county, state, and victims.**
- The difficulty of probation conditions can often lead to recidivism, as probationers find it easier to simply take a sentence for violations of their conditions. Positive behavior reinforcement – as opposed to doling out punishments for noncompliance – is necessary for targeting the root causes of antisocial behaviors that lead an individual to break the law. Incentivizing achievement on probation not only makes incarceration a less attractive option but also reduces the likelihood of recidivism by discouraging criminal behavior.

SOLUTION

- **Support H.B. 1205, a free tool for probation departments to encourage positive probationer behavior and reduce costly recidivism.**

¹ http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Recidivism_Report_2011.pdf, 11.

² Ibid, 4.

³ Ibid, 10.

⁴ http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Uniform_Cost_Report_0111.pdf, 3.