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TESTIMONY 2013
H.B. 2803

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of House Bill (H.B.) 2803, which will encourage greater rehabilitative success among individuals with certain offenses, resulting in significant taxpayer cost savings, increased public safety, and strengthened communities.

PROMOTING COMMUNITY SUPERVISION WILL INCREASE PUBLIC SAFETY, PERSONAL RESPONSIBILITY, AND COST SAVINGS

The state jail system was originally intended to improve the state criminal justice and corrections systems by redirecting individuals with low-level offenses out of overcrowded prisons, providing them the opportunity to serve their sentence on community supervision while reserving space in prisons for those who posed a higher risk to public safety.¹ Community supervision often provides a better, less expensive opportunity to obtain meaningful services and resources that address substance abuse issues, mental health issues, employment problems, etc. By way of comparison, state jails are dramatically more costly (averaging nearly \$43 a day per person) than incarceration alternatives such as community supervision (\$1.38 a day per person) and diversion treatment (less than \$7 a day per person).²

Most importantly, while the creation of state jail felony offenses was intended to carve out a population of individuals more amenable to rehabilitative services and treatment programs, **persons convicted of state jail felony offenses actually have a higher rate of recidivism than individuals exiting prisons and those on community supervision** (*see below*). This may be due to the lack of rehabilitative programming provided at state jail facilities, the relatively short terms of incarceration that prohibit engagement in effective treatment programs, or the lack of post-release supervision and structured support in the community. Yet today, tens of thousands of Texans, primarily with low-level drug or property offenses, are sentenced directly to state jail.

H.B. 2803 will address systemic failures in the state jail system that have resulted in increased taxpayer costs and decreased public safety by mandating community supervision in lieu of incarceration for certain individuals convicted of a state jail felony. By placing individuals on community supervision, as opposed to incarcerating them in a state jail, they will have access to important community-based programs and services that will increase their chances of success in the community. Moreover, because most individuals exiting a state jail do not receive any structured support or supervision, community supervision will provide an important layer of accountability and appropriate supervision that will help individuals maintain a productive and law abiding life in the community. With this structured, rehabilitative approach, Texas will be promoting public safety while efficiently using taxpayer dollars.

KEY FINDINGS

STATE JAIL RECIDIVISM RATES: 31.1% of individuals released from a state jail in FY 2009 (measured through FY 2012) were re-incarcerated.³ By way of comparison, **22.6%** of individuals released from prison in FY 2009 (measured through FY 2012) were re-incarcerated⁴ and an average **14.8%** of individuals on felony direct supervision were revoked from their probation from FY 2008 through FY 2012.⁵

STATE JAIL POPULATION AND COST

- In Fiscal Year (FY) 2012, there were nearly 12,000 individuals on hand in a state jail facility (8% of all individuals incarcerated) and over 23,000 new receives throughout the year.⁶ Incarcerating these men and women cost taxpayers over \$500,000 a day and over \$180 million annually.⁷
- In FY 2012, nearly 23,000 individuals were released from such facilities that fiscal year.⁸

Continued on reverse.

STATE JAIL DEMOGRAPHICS:

- About 85% of individuals in a state jail are there for nonviolent drug or property offenses.⁹
- Over 50% of individuals in a state jail are there for their first or second offense.¹⁰
- The majority of individuals are in for drug possession (nearly 30%), followed by larceny and burglary.¹¹
- The average state jail sentence is 1.02 years. The average time spent in a state jail is about 6 months.¹²

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 2803 BY REPRESENTATIVES TOTH AND BURNAM

❖ **H.B. 2803 will improve public safety by providing mandatory community supervision for individuals who meet certain criteria and offense restrictions, while giving judges discretionary power to impose a period of confinement for individuals with specific offenses or who repeatedly offend.** Most individuals serve a short term in a state jail facility, often without the benefit of rehabilitation treatment or other services. Consequently, taxpayers are investing more money into a system that yields poorer results than both state prisons and probation. By allowing individuals convicted of low-level offenses to receive community supervision in lieu of incarceration, H.B. 2803 will provide more people with access to rehabilitative programs and resources that will better ensure they live successful, productive lives in the community. Furthermore, by implementing a period of community supervision, H.B. 2803 will provide an appropriate measure of accountability and supervision that will decrease the likelihood a person will reoffend, thus improving public safety.

Under H.B. 2803, judges will retain discretion to impose a state jail sentence or grant community supervision for certain state jail-level offenses. Mandatory community supervision for other state jail felony offenses will be limited to individuals meeting certain offense restrictions, as well as other criteria, such as not having been convicted of certain prior offenses.

CONCLUSION

Thank you again for allowing me the opportunity to testify in favor of H.B. 2803. The Texas Criminal Justice Coalition strongly urges you to support this bill, which promotes increased rehabilitative success and will ultimately result in significant cost savings and recidivism reductions.

Citations

¹ House Research Organization, Bill Analysis, Tex. S.B. 1067, 73rd Leg., R.S. (1993); House Research Organization, Bill Analysis, Tex. S.B. 532, 73rd Leg., R.S. (1993).

² Legislative Budget Board (LBB), *Criminal Justice Uniform Cost Report Fiscal Years 2010-2012*, Submitted to the 83rd Texas Legislature, January 2013, pp. 8, 14, 15 (state jail costs are estimated at \$42.90 a day per person; substance abuse outpatient treatment is estimated at \$5.30 a day per person, while the Treatment Alternatives to Incarceration Program is estimated at \$6.51 a day per person).

³ LBB, *Statewide Criminal Justice Recidivism and Revocation Rates*, Submitted to the 83rd Texas Legislature, January 2013, pp. 4, 31, 35 (62.7% of individuals released from state jail in FY 2008, measured through FY 2011, were re-arrested); available at www.lbb.state.tx.us/Public_Safety_Criminal_Justice/RecRev_Rates/Statewide%20Criminal%20Justice%20Recidivism%20and%20Revocation%20Rates2012.pdf.

⁴ *Id.* at 4.

⁵ *Id.* at 11.

⁶ Texas Department of Criminal Justice (TDCJ), *Fiscal Year 2012 Statistical Report*, pp. 1, 2; available at http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2012.pdf.

⁷ Based on LBB, *Criminal Justice Uniform Cost Report*, p. 8.

⁸ TDCJ, *Fiscal Year 2012 Statistical Report*, p. 34.

⁹ *Id.* at 1, 2.

¹⁰ TDCJ Open Records Response, 16 October 2012; *information available upon request*. Over 3,000 individuals (nearly 30%) are on their first offense.

¹¹ *Id.*

¹² *Id.* The average stay is about 6 months in a TDCJ state jail facility, and about 3.5 months in county facility—confinement averages less than 10 months (.8 years).