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TESTIMONY 2013

H.B. 990

Dear Committee Members,

Thank you for the opportunity to present testimony in favor of H.B. 990. Although Texas spends \$2.5 billion per year on incarceration, the state's sentencing laws have not been updated or evaluated since 1993. H.B. 990 will establish a sentencing commission to review, update, streamline, and simplify the Penal Code, for improved fiscal efficiencies and public safety outcomes, and a more balanced state criminal justice system.

#### A CLOSER LOOK AT TEXAS SENTENCING POLICIES AND PRACTICES

Texas spends approximately \$2.5 billion per fiscal year on incarceration, but the state's sentencing laws have not been evaluated since 1993.<sup>1</sup> In fact, the Legislative Budget Board (LBB) bases cost and population projections on data that is two decades old.<sup>2</sup>

According to a recent report by the LBB, nearly half of all states, as well as the District of Columbia and the federal government, have sentencing commissions.<sup>3</sup> These commissions are tasked with reviewing sentencing policies to ensure the relevancy and uniformity of criminal sentences, align punishments with crimes, and identify strategies to increase diversion and eliminate wasteful spending in strained budgets.<sup>4</sup>

**Establishing a Texas sentencing commission will help ensure the integrity of the criminal justice system, promote fairness and equity in the administration of justice, protect public resources, and increase public safety.**

#### KEY RESPONSIBILITIES OF A SUCCESSFUL SENTENCING COMMISSION FOR TEXAS

- Streamline and simplify the Penal Code
- Balance sentencing practices and policies with budget constraints
- Identify strategies to safely reduce incarceration in costly state prisons, and promote evidence-based diversion programs and other effective alternatives to incarceration
- Investigate the factors contributing to recidivism, evidence-based recidivism-reduction initiatives, and cost-effective crime prevention programs<sup>5</sup>
- Conduct an empirical study of the impact of existing sentencing policies and practices on the state criminal justice system, including state prison capacity, local jail capacity, community supervision and parole resources, judicial operations, public defense expenditures, and law enforcement responsibilities<sup>6</sup>
- Prepare a report of findings and recommendations, including evidence-based analysis and data<sup>7</sup>
- Study and evaluate the outcomes of commission recommendations as implemented<sup>8</sup>

#### KEY FINDINGS

- Texas spends approximately \$2.5 billion per fiscal year on incarceration, but the state's sentencing laws have not been evaluated since 1993.<sup>9</sup>
- Sentencing commissions across the nation have led to cost savings and safe decreases in incarceration levels.<sup>10</sup>
- A Texas sentencing commission can streamline the state's overly complicated Penal Code, evaluate sentencing practices, promote safe reductions in prison and county jail populations, and promote the fair administration of justice.

*Solution offered on reverse.*

## COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTIONS: SUPPORT H.B. 990 BY REPRESENTATIVE THOMPSON

- **H.B. 990 will adopt the recommendation by Texas' Legislative Budget Board to establish a sentencing commission.** This body, called the Texas Sentencing Policy, Accountability, and Review Council, will analyze state sentencing practices to identify disparities between the severity of offenses and their prescribed penalties, determine appropriate adjustments, and ascertain other strategies for enhancing consistency and reducing disparity in sentencing; the Council will also identify strategies for balancing state and county criminal justice responsibilities and sentencing policies with available corrections resources.

Additionally, **the Council will compile a report of its findings for submission to the Legislature** by 2015. This will help policy-makers have a clear picture of areas in need of reform, along with recommended improvements for implementation during the state's next legislative session.

- **NOTE:** The Legislative Budget Board has recommended that \$1.15 million be appropriated from General Revenue Funds to operate a sentencing commission and implement a statewide sentencing dynamics study.

### CONCLUSION

Thank you again for the opportunity to present testimony in favor of H.B. 990. Evaluating the state's sentencing policies will provide Texas with the opportunity to align punishments with crimes, balance sentencing practices with budget constraints, and identify strategies to safely reduce incarceration.

### **Citations**

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<sup>1</sup> Legislative Budget Board (LBB), *Texas State Government Effectiveness and Efficiency Report: Selected Issues and Recommendations*, January 2013, 271.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> LBB, *Effectiveness and Efficiency Report*, 276.

<sup>5</sup> Colorado Senate, Bill 09-286.

<sup>6</sup> Governor Eliot Spitzer, Executive Order No 10: Establishing the New York State Commission on Sentencing Reform, 2007.

<sup>7</sup> Colorado Senate, Bill 09-286.

<sup>8</sup> Ibid.

<sup>9</sup> LBB, *Effectiveness and Efficiency Report*, 271.

<sup>10</sup> Ibid.