

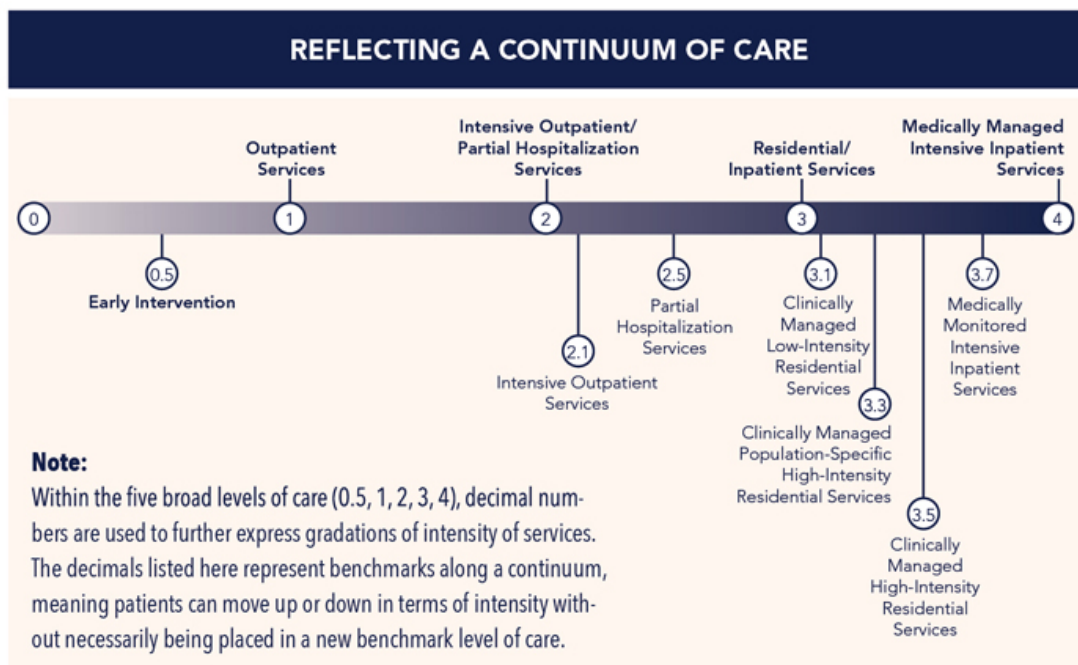


## HB 931: Safely Prevent Probation Revocations Through Treatment Programming

### TEXANS ON PROBATION WITH A SUBSTANCE USE DISORDER ARE UNFAIRLY REVOKED TO INCARCERATION

Substance Use Disorder is a complex, chronic disease characterized by compulsive drug seeking and use that is hard for a person to control, despite harmful consequences.<sup>1</sup> Abstaining from drugs takes more than a strong will, and it is common for a person to relapse. However, relapse does not mean that treatment is not working; because this disease is chronic, treatment is intended to be ongoing and should be adjusted to a client's needs.<sup>2</sup>

The website for the Texas Department of Criminal Justice's Community Justice Assistance Division (TDCJ-CJAD) explains that probation departments may offer substance use treatment programming that includes "a continuum of care ranging from screening/assessment, outpatient, intensive outpatient and residential programs to treat those under community supervision with drug and/or alcohol problems."<sup>3</sup> It is vitally important to focus on the continuum of care and on rehabilitation, rather than on revocation and incarcerating individuals due to their substance use.



American Society of Addiction Medicine, *What are the ASAM Levels of Care?* May 2015, <https://www.asamcontinuum.org/knowledgebase/what-are-the-asam-levels-of-care/>

### KEY FACTS

- Nationally, **over 52 percent of people who are arrested multiple times have a diagnosed Substance Use Disorder.**<sup>4</sup>
- As people battle addiction, they move up and down the continuum of care. Relapse is normal, and lifelong maintenance is required.<sup>5</sup>

## KEY FACTS [CONTINUED]

- **It costs the state \$64.35 per day to incarcerate an individual, and \$3.88 per day for community supervision.**<sup>6</sup> Revoking and incarcerating an individual due to relapse comes with great fiscal costs, and it ignores underlying needs for treatment and support. The money spent incarcerating individuals with a Substance Use Disorder could be better spent funding community-based treatment efforts, including for people already on probation to better ensure their success, especially in rural areas and Texas counties that lack treatment services.

## COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 931 BY REPRESENTATIVE SHERMAN, SR.

**HB 931 protects people on probation with a substance use disorder from revocation solely based on relapse.** It requires judges to modify terms of probation or place individuals back into treatment programming instead of revoking community supervision, emphasizing treatment over incarceration.

## Citations

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<sup>1</sup> National Institute on Drug Abuse (NIDA), *Understanding Drug Use and Addiction*, June 2018, <https://www.drugabuse.gov/publications/drugfacts/understanding-drug-use-addiction>.

<sup>2</sup> Ibid.

<sup>3</sup> Texas Department of Criminal Justice, Community Justice Assistance Division (TDCJ-CJAD), *Rehabilitation and Victim Services Programs*, <https://www.tdcj.texas.gov/divisions/cjad/rehab.html>.

<sup>4</sup> Alexi Jones and Wendy Sawyer, *Arrest, Release, Repeat: How Police and Jails are Misused to Respond to Social Problems*, August 2019, <https://www.prisonpolicy.org/reports/repeatarrests.html>.

<sup>5</sup> American Society of Addiction Medicine, *What are the ASAM Levels of Care?*, May 2015, <https://www.asamcontinuum.org/knowledgebase/what-are-the-asam-levels-of-care/>.

<sup>6</sup> Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report Fiscal Years 2019 and 2020*, January 2021, [https://www.lbb.state.tx.us/Documents/Publications/Policy\\_Report/6292\\_CJDA\\_Uniform\\_Cost.pdf](https://www.lbb.state.tx.us/Documents/Publications/Policy_Report/6292_CJDA_Uniform_Cost.pdf).