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**WRITTEN TESTIMONY, 2011**  
**HOUSE BILL 2649**

Dear Members of the Committee,

Thank you for this opportunity to present testimony in favor of H.B. 2649, a criminal justice initiative that will empower wardens and state jail staff with an effective behavioral tool, while incentivizing participation in rehabilitative, educational, and vocational programs.

### **PROBLEM**

Unlike state prison and county jail inmates, individuals serving their sentence in state jail are ineligible for good time credits and must serve “flat” time (day for day) up to two years with no eligibility for parole. As such, there is little incentive for state jail inmates to participate in rehabilitative or educational programs because they cannot accrue any benefit from diligent participation in such programming. Similarly, there is little advantage to maintaining a positive disciplinary record while serving a sentence in state jail.

Individuals in a state jail facility would benefit significantly from rehabilitative and self-improvement programs. According to the Legislative Budget Board’s recent recidivism report, state jail inmates have a higher recidivism rate than state prisoners.<sup>1</sup>

### **KEY FINDINGS**

- A study of more than 3,600 individuals who participated in prison education programs were 29% less likely to be re-incarcerated than non-participants.<sup>2</sup>
- In fiscal year 2010, the average total cost per day per inmate in a state jail facility was \$43.03.<sup>3</sup>
- In fiscal year 2010, there were 23,537 admissions to state jails.<sup>4</sup>
- According to the Legislative Budget Board, the average sentence served in a state jail facility in fiscal year 2010 was 10 months.<sup>5</sup> This costs the state roughly \$12,909 per person.
- Based on an average 10-month sentence, the average maximum credit earned through diligent participation in rehabilitative programs would be roughly 60 days, reducing the average length of incarceration to eight months.<sup>6</sup> This could save the state roughly \$2,582 per person.
- The fiscal note on H.B. 2649 projects a positive impact of \$48,994,711 over the biennium.<sup>7</sup>

### **SOLUTION: SUPPORT H.B. 2649 BY REPRESENTATIVE ALLEN**

**Under H.B. 2649, an individual in a state jail facility will have the opportunity to earn time credit toward his or her sentence through self-improvement programming, vocational achievement, or involvement in a work program. This will encourage personal responsibility, provide wardens an effective behavior management mechanism, and reduce costs by decreasing recidivism.** While creating a useful tool for state jail management, as well as an effective incentive for participation in rehabilitative and educational programs, this initiative also provides important limitations that are mindful of public safety.

- Awarding time credit is permissive, and it will remain **under judicial discretion**.
- Time credits earned **may not exceed one-fifth of the original sentence**.
  - **EXAMPLE:** A person serving a 180-day sentence would be limited to a maximum credit of 36 days.
- No credit may be awarded under H.B. 2649 during the time an individual is subject to disciplinary action.

*Continued on reverse*

Importantly, H.B. 2649 will also provide a procedural mechanism to facilitate the awarding of time credit to an individual who participates in an educational, vocational, treatment, or work program. Under the bill, 30 days prior to the date on which the inmate will have served 80 percent of his or her sentence, a report detailing that inmate's conduct and programmatic progress will be sent to the sentencing court. This report will describe the inmate's participation in and completion of various programs, such as substance abuse treatment or an educational program.

Additionally, H.B. 2649 will provide a special exception for an inmate who is progressing toward completion of an offered educational, treatment, vocational, or work program, but is unable to complete the program due to illness, injury, or another circumstance outside the control of the inmate. Under the circumstances described by this exception, a report may still be submitted to the sentencing court and a judge may consider awarding a portion of time toward that person's sentence.

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The high cost of maintaining an overcrowded jail system in Texas makes the current trajectory of incarceration unsustainable. Supporting an initiative to grant good time credit to individuals who choose to improve their lives by participating in rehabilitation and educational programs is a practical and responsible measure that will help ease the strain that the criminal justice system places on the state budget, while providing relief to an overburdened system. Furthermore, participation in these programs can have a significant impact on reducing recidivism. Importantly, H.B. 2649 will also provide a useful disciplinary tool for wardens and state jail staff.

## ENDNOTES

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<sup>1</sup> Legislative Budget Board Report: *Statewide Criminal Justice Recidivism and Revocation Rates*, January 2011, available at [http://www.lbb.state.tx.us/PubSafety\\_CrimJustice/3\\_Reports/Recidivism\\_Report\\_2011.pdf](http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Recidivism_Report_2011.pdf), 21, 31.

<sup>2</sup> The Pew Center on the States, "Collateral Costs: Incarceration's Effects on Economic Mobility," 23 September 2010. [http://www.pewcenteronthestates.org/uploadedFiles/Collateral\\_Costs.pdf?n=8653](http://www.pewcenteronthestates.org/uploadedFiles/Collateral_Costs.pdf?n=8653), 23.

<sup>3</sup> Legislative Budget Board Report: *Criminal Justice Uniform Cost Report Fiscal Years 2008-2010*, available at [http://www.lbb.state.tx.us/PubSafety\\_CrimJustice/3\\_Reports/Uniform\\_Cost\\_Report\\_0111.pdf](http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Uniform_Cost_Report_0111.pdf), 6.

<sup>4</sup> Texas Criminal Justice Department: Statistical Report FY 2010, 21.

<sup>5</sup> Legislative Budget Board: *House Bill 2649, As Engrossed: Criminal Justice Impact Statement*, 19 May 2011, available at <http://www.capitol.state.tx.us/tlodocs/82R/impactstmts/html/HB02649EB.htm>, 1.

<sup>6</sup> *Id.*

<sup>7</sup> Legislative Budget Board: *House Bill 2649, As Engrossed: Fiscal Note*, 19 May 2011, available at <http://www.capitol.state.tx.us/tlodocs/82R/fiscalnotes/pdf/HB02649E.pdf#navpanes=0>, 1.