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Dear Members of the Committee,

Thank you for this opportunity to present testimony in favor of H.B. 3366, 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 prisons and county jails, 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 programming. Similarly, there is little advantage to maintaining a positive disciplinary record while serving a sentence in a 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.¹ Moreover, providing a transitional period of community supervision between incarceration and full discharge can aid an individual in his or her productive reintegration into the community.

FACTS

- A study of more than 3,600 offenders who participated in prison education programs were 29% less likely to be re-incarcerated than non-participants.²
- In fiscal year 2010, the average total cost per inmate per day in a state jail facility was \$43.03.³
- In fiscal year 2010 there were 23,537 admissions to state jails.⁴ After removing any offenses excluded under H.B. 3366, an estimated 22,744 incarcerated persons would be impacted by its provisions.⁵
- According to the Legislative Budget Board, the average sentence served in a state jail facility in fiscal year 2010 was 10 months.⁶ This sentence length costs the state roughly \$12,909 per person.
- By removing qualified individuals from jail and allowing them to serve a portion of their sentence on community supervision, H.B. 3366 can reduce the average period of confinement within a state jail by nearly 3 months, bringing the average total down to roughly 7 months.⁷
- Releasing individuals to community supervision after serving 75% of their sentence saves up to 25% of the cost of incarceration. Factoring in the cost to place an individual on community supervision, this would amount to roughly \$3,009 in savings to the state per person.
- **The Legislative Budget Board estimates that H.B. 3366 will save a projected \$52,381,236 through the biennium ending August 31, 2013.⁸**

Continued on reverse.

H.B. 3366 REQUIREMENTS

Under H.B. 3366, an individual in a state jail facility who maintains a positive disciplinary record may earn the privilege to serve a portion of his or her sentence on community supervision through participation in in-house self-improvement programming or vocational achievement. **This will encourage personal responsibility, provide wardens an effective behavior management mechanism, and reduce costs by decreasing recidivism.** Providing a period of community supervision will also help an individual transition to a productive life in the community.

This initiative provides important limitations that are mindful of public safety:

- Release to community supervision is subject to the sentencing court’s discretion, and is subject to TDCJ and the unit Warden’s approval.
- To be eligible, a person must have served at least 75% of his or her sentence; only 25% may be served on community supervision.
- The provisions of H.B. 3366 will not apply to an individual who fails to maintain a positive disciplinary record, does not meet full compliance with programs, has prior felony convictions for violent or sexual offenses, and is a member of a security threat group.

Again, H.B. 3366 will create a cost effective mechanism to reduce the burden on Texas’ jails while providing a viable method for increasing public safety.

SOLUTION

Support H.B. 3366. The high cost of maintaining an overcrowded jail system in Texas makes the current trajectory of incarceration unsustainable. Supporting an initiative that allows individuals to serve a portion of their sentence on community supervision, provided they demonstrate an effort to improve their lives by participating in rehabilitation and educational programs, is a practical and responsible means of easing the strain placed on the state budget by the criminal justice system, while also providing relief to an overburdened system. Furthermore, participation in these programs can have a significant impact on reducing recidivism. Importantly, H.B. 3366 will also provide a useful disciplinary tool for wardens and state jail staff.

ENDNOTES

¹ Legislative Budget Board Report: *Statwide Criminal Justice Recidivism and Revocation Rates*, January 2011, available at http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Recidivism_Report_2011.pdf, 21, 31.

² 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, 23.

³ 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, 6.

⁴ Texas Criminal Justice Department: Statistical Report FY 2010, 21.

⁵ Legislative Budget Board: *HB 3366 Criminal Justice Impact Statement*, 12 April 2011, available at <http://www.capitol.state.tx.us/tlodocs/82R/impactstmts/html/HB03366IB.htm>, 1.

⁶ *Id.* at 1.

⁷ Legislative Budget Board: *HB 3366 Fiscal Note*, 12 April 2011, available at <http://www.capitol.state.tx.us/tlodocs/82R/fiscalnotes/pdf/HB03366I.pdf#navpanes=0>, 2.

⁸ Legislative Budget Board: *HB 3366 Fiscal Note*, 12 April 2011, available at <http://www.capitol.state.tx.us/tlodocs/82R/fiscalnotes/pdf/HB03366I.pdf#navpanes=0>, 1.