

## **Support Diligent Participation Credits for People Confined in State Jails**

### **A Smart Way to Promote Post-Release Stability**

Thousands of people are annually sent to Texas' state jail system,<sup>1</sup> which predominantly houses those convicted of nonviolent property or drug offenses, like possession of less than a gram of a controlled substance. Unfortunately, state jails have the highest recidivism rate of all correctional programs.<sup>2</sup>

In part, this high rate of re-offending may be attributable to the fact that state jails have fewer rehabilitative services available to people housed in them, and that people sentenced to state jail are not eligible for parole – meaning they must serve each day of their sentence.<sup>3</sup> This can reduce people's motivation to engage in the services that are available.

To partially remedy this problem, Texas statute allows judges, on sentencing a person to state jail, to determine if they are "presumptively entitled" to diligent participation credits; then, using information provided by the Texas Department of Criminal Justice (TDCJ), judges can authorize a 20 percent time credit to a person who participates in any available educational, vocational, treatment, or work programs while incarcerated in a state jail. Incarcerated people who have not received a presumptive finding of eligibility must serve nearly 80% of their sentence before becoming eligible for credit. This process slows the awarding of credits, leaving people to fall through bureaucratic gaps; in both scenarios, TDCJ collects the programming information and is capable of determining diligent participation.

### **Key Findings**

- Expediting release of people from state jails could save Texas \$6 million over the biennium (with more than \$30 million in each successive year),<sup>4</sup> while programming participation will give more people the tools to be successful in the community.

### **Support HB 1705 by Representative Alma Allen**

**HB 953 simply requires TDCJ (versus judges) to grant credit to people who participate in rehabilitative programming in state jails, and it eliminates the provision that requires a judge to find a person presumptively eligible for credit.**

This creates a seamless process for people to get released from state jail at an appropriate time, resolving communication issues between judges and TDCJ that keep people unnecessarily incarcerated at taxpayer expense.

*Citations on reverse.*

## Citations

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- <sup>1</sup> Texas Department of Criminal Justice, [Statistical Report: Fiscal Year 2021](#) (6,935 receives into state jail); [Statistical Report 2020](#) (8,686 receives into state jail); [2019 Statistical Report](#) (15,362 receives into state jail).
- <sup>2</sup> Legislative Budget Boards, *Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates*, January 2021, 4, [https://www.lbb.state.tx.us/Documents/Publications/Policy\\_Report/6293\\_CJDA\\_Recidivism-Revocation.pdf](https://www.lbb.state.tx.us/Documents/Publications/Policy_Report/6293_CJDA_Recidivism-Revocation.pdf)
- <sup>3</sup> Texas Center for Justice and Equity, *A Failure in the Fourth Degree: Reforming the State Jail Felony System in Texas*, October 2018, <https://www.texascjc.org/system/files/publications/A%20Failure%20in%20the%20Fourth%20Degree%20Report.pdf>.
- <sup>4</sup> Legislative Budget Board, [Fiscal Note for HB 953](#) (Allen), 87th Legislative Regular Session, April 6, 2021.