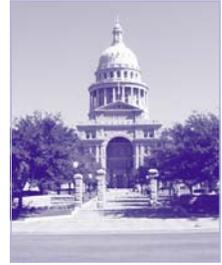




TEXAS CRIMINAL  
JUSTICE COALITION

## HOUSE BILL 2649 82ND LEGISLATIVE SESSION

### A "HOW TO" IMPLEMENTATION BRIEF



**H.B. 2649 (REPRESENTATIVE ALLEN AND SENATOR ELLIS):** *Relating to the award of diligent participation credit to defendants confined in a state jail felony facility.*

#### **INTENTION**

H.B. 2649 aims to create incentives for individuals convicted of state jail felonies to participate in rehabilitative treatment, vocational, education, and work programs.

Unlike state prison and county jail inmates, individuals serving their sentences 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. This provides little incentive for state jail inmates to participate in rehabilitative or educational programs because they accrue no benefit from doing so. Similarly, without "good time" credits, there is little incentive for prisoners to maintain a clean disciplinary record while serving a sentence in state jail.

This legislation establishes an incentive for individuals to participate in rehabilitative and self-improvement programs by letting judges reduce their sentences – up to 20% – for good behavior and participation in assigned programming or work details.

#### **IMPLEMENTATION**

H.B. 2649 creates a mechanism whereby judges receive additional information on the progress of defendants convicted of state jail felonies in their courts, offering jurists the opportunity to reduce sentences for those who are actively pursuing rehabilitative goals.

Under the bill, if a defendant has been enrolled in programming eligible for time credits under H.B. 2649, the Texas Department of Criminal Justice (TDCJ) must send a report to the convicting court by the 30th day before defendants would have served 80 percent of their sentences that evaluates the individual's conduct and how many days he or she "diligently participated" in any treatment, vocational, education, or work program.

Diligent participation is defined as successful completion of a program, progress toward successful completion (if the individual failed to complete it because of illness, injury, or an emergency circumstance outside his or her control), or "active involvement in a work program." No credits are awarded for periods during which individuals are subject to disciplinary actions. The legislation expressly states that "A time credit ... is a privilege and not a right." The contents of the TDCJ report are not subject to challenge by the defendant.

Upon receipt of the report, H.B. 2649 authorizes, but does not require, judges to credit time against a defendant's sentence for the completion of, or "diligent participation" in, state jail programming. Time credits cannot exceed one-fifth of a defendant's original sentence. The decision whether any given defendant will be released early will remain with the judge in the convicting court.

#### **ANTICIPATED OUTCOMES**

H.B. 2649 will encourage state jail felons to more actively participate in treatment, vocational, education, and work programs by reducing their sentences for "diligent participation" in designated rehabilitative activities. Because Texas recidivism rates are higher for state jail felons than for individuals convicted of more serious crimes, H.B. 2649 aims to encourage inmates to diligently participate in programming that, for many, should reduce the potential for future recidivism. To the extent judges use this new authority, this statute will also reduce inmate population pressures on state jails, **saving the state an estimated \$49 million this biennium** according to the bill's fiscal note.

We highly encourage the utilization of this tool for better public safety outcomes.