



Prevent Probation Revocations Through Treatment and Graduated Sanctions

REVOCATIONS ARE COSTLY TO TAXPAYERS

Despite years of progress in other areas of criminal justice reform, probation revocation rates remain largely unchanged (50-54 percent), representing nearly one-third of all new receives into the Texas Department of Criminal Justice each year.¹ These new receives collectively cost Texas taxpayers approximately **\$1.3 million per day**² – funding that could instead be invested in community safety and wellness.

IN SHORT

HB 358 limits revocations for minor technical violations, emphasizing rehabilitation and graduated sanctions over incarceration.

In 2019, a vast number of Texas counties saw probation failure rates well above the state average. In certain counties, more than 70 percent of those revocations were not for new crimes but for “technical” violations of probation conditions (e.g., a missed appointment with a probation officer, inability to pay fines and fees, moving outside of a strict set of geographical boundaries).³ High probation revocation rates squander limited resources by creating a costly, revolving door to prison and jail that fails to address underlying needs.

KEY FACTS

- **In 2019, there were 21,435 felony probation revocations**, and more than 95 percent of these individuals were sent to prison or jail.⁴
- **11,204 of probation revocations (52 percent of all revocations) were for technical violations of the conditions of supervision**,⁵ such as not paying restitution (despite lack of employment) or failing to complete treatment programming – not for committing a new offense.
- **It costs the state \$64.35 per day to incarcerate an individual, and \$3.88 per day for community supervision.**⁶
- Incarceration, even for a short duration, disrupts employment and housing, and it can undermine any stability a person had achieved while under community supervision. Judges must impose proportional punishment on those who violate probation terms but are not a risk to public safety.⁷

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 358 BY REPRESENTATIVE SHERMAN, SR.

HB 358 protects people on probation from receiving unnecessary and costly technical violations. It requires the use of graduated sanctions, such as modification of probation conditions or program placement for fewer than three violations, emphasizing treatment over incarceration.

Citations on reverse.

Citations

¹ Texas Department of Criminal Justice (TDCJ) Community Justice Assistance Division, *Report to the Governor and Legislative Budget Boards on the Monitoring of Community Supervision Diversion Funds*, December 1, 2019, https://www.tdcj.texas.gov/documents/cjad/CJAD_Monitoring_of_DP_Reports_2019_Report_To_Governor.pdf.

Calculated by dividing the total number of revocations each year by the total felony direct and indirect population, and repeating that process for each prior year dating back to 2010.

² Legislative Budget Board (LBB), *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.

Costs-per-day to house a person in prison totaled \$64.35 in FY 2019. The \$1.3 million figure was calculated by multiplying that cost by 20,363 people received into prison on a probation violation.

³ TDCJ, *FY 2019 Probation Fact Sheet*, received from TDCJ in June 2020.

⁴ TDCJ, *Report to the Governor*.

⁵ TDCJ, *Report to the Governor*.

⁶ LBB, *Criminal and Juvenile Justice Uniform Cost Report*.

⁷ Cecelia Klingele, "Understanding Revocation from Community Supervision," last modified July 2019, <https://repository.law.wisc.edu/s/uwlaw/media/303570>.