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HB 452

## Improve Efficiency in Our Courts and Reduce Unnecessary Pretrial Incarceration

### PRETRIAL HEARINGS WILL DECREASE TRIAL COSTS AND REDUCE THE NEED TO KEEP INDIVIDUALS IN DETENTION WHILE AWAITING TRIAL

Pretrial hearings offer an opportunity to rule on the admissibility of evidence, as well as other important issues that can determine whether a case goes to trial. This is critical because, in many cases, a pretrial hearing will avoid the need for trial, thereby saving counties and taxpayers unnecessary costs.

Current law permits judges to schedule pretrial hearings when and if they see fit. The governing statute only provides that a judge “may” hold a hearing. As a result, some hearings that could eliminate the need for a full trial are never scheduled, forcing the parties to go to court even when the only issue is addressable in a pretrial setting. Bringing the State, the trial judge, the defendant, and a jury into the courtroom to litigate issues related to pretrial matters is economically inefficient. Furthermore, in instances where pretrial hearings *are* scheduled, there is not always sufficient time for the parties to prepare their cases for trial, greatly limiting the effectiveness of both prosecutors and defense counsel in adequately preparing their cases.

House Bill 452 improves the judicial process and saves the state money by mandating a judge to set a pretrial hearing if the defendant requests it at least 60 days prior to trial and ensuring that hearings are held in a timely manner, giving both parties at least 30 days to prepare for trial. This improves efficiency by forcing courts to address certain issues in a pretrial setting prior to trial—before embarking on a costly trial and before hailing all parties, a judge, and a jury into court.

### KEY FINDINGS

- Between March 2014 and February 2015, Texas’ county jails housed an average of over 9,000 people charged or convicted of a misdemeanor, accounting for 14% of the state’s total county jail population.<sup>1</sup> At a cost of \$59 per person per day,<sup>2</sup> this population costs taxpayers nearly \$550,000 per day.
- As of February 1, 2015, pretrial detainees made up over 60% of Texas’ county jail population.<sup>3</sup> HB 452 will help reduce the time and money spent keeping such individuals in pretrial detention by increasing efficiency in the pretrial process, and addressing evidentiary issues early in the process.

### COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 452 BY REPRESENTATIVE ALONZO

- **HB 452 will ensure that only reliable evidence is admissible in a trial court.** HB 452 amends Article 28.01, Code of Criminal Procedure, by mandating a court to set a pretrial hearing in any criminal case if the defendant requests the hearing no later than 60 days prior to the trial. It also requires the hearing to be held no later than the 30th day before the trial commences.
- **HB 452 will enhance judicial economy by requiring the judge to conduct a pretrial hearing in a timely manner upon request by the defense.** If the primary dispute is the legality of evidence, or any other dispositive issue, it is more cost effective and economically sustainable for the state to address the issue before bringing all parties, judges, and a jury into court for a full trial.

*Citations on reverse.*

## Citations

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<sup>1</sup> Texas Commission on Jail Standards, *Texas County Jail Population*, February 1, 2015, <http://www.tcjs.state.tx.us/docs/POPSUMCurrent.pdf>. County jails housed an average of 6,400 pretrial misdemeanants and 2,934 convicted misdemeanants from March 2014 to February 2015, for a total of 9,334 individuals. The average population in county jails since March 2014 amounts to 66,503 people.

<sup>2</sup> Brandon Wood, Assistant Director of the Texas Commission on Jail Standards (TCJS), e-mail messages to Travis Leete, Texas Criminal Justice Coalition (TCJC), April 4, 12, 13, and 16, 2012; Brandon Wood, Assistant Director of TCJS, telephone conversation with Travis Leete, TCJC, April 12, 2012.

<sup>3</sup> Texas Commission on Jail Standards, *Texas County Jail Population*, February 1, 2015, <http://www.tcjs.state.tx.us/docs/POPSUMCurrent.pdf>. County jails housed 39,063 pretrial detainees and a total population of 64,210 individuals as of February 1, 2015.