

SUBJECT: Requiring TDCJ to notify courts that certain inmates have served 75 days

COMMITTEE: Corrections — favorable, without amendment

VOTE: 7 ayes — White, Allen, Bailes, Bowers, Dean, Sherman, Stephenson

0 nays

1 absent — Neave

WITNESSES: For — Allison Franklin, Texas Criminal Justice Coalition; (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Traci Berry, Goodwill Central Texas; Kathleen Mitchell, Just Liberty; Lori Henning, Texas Association of Goodwills; Lauren Oertel, Texas Inmate Families Association)

Against — None

On — Lorie Davis, TDCJ

BACKGROUND: Code of Criminal Procedure art. 42A.558 governs cases in which defendants convicted of a state jail felony who violate conditions of their community supervision have their probation revoked by a judge after a hearing and are held in a state jail felony facility. After a defendant has served 75 days, the judge may suspend further execution of the sentence and again place the defendant under community supervision.

DIGEST: HB 155 would require the Texas Department of Criminal Justice (TDCJ) to notify the sentencing court of the date on which a defendant whose community supervision was revoked would have served 75 days in a state jail felony facility. Such notice would have to be given by the 60th day a defendant had served. The notice must be provided via email or other electronic communication.

The bill would take effect September 1, 2019, and would apply only to a defendant who received a sentence of confinement in a state jail on or

after that date.

**SUPPORTERS
SAY:**

HB 155 would increase the opportunity for some defendants convicted of state jail felonies to have their sentences suspended and to be placed under community supervision. This would give these defendants a better opportunity at rehabilitation, help alleviate the burden on overcrowded jails, and reduce costs to the criminal justice system.

Although judges currently have the ability to suspend some state jail sentences after a defendant has served 75 days, this is rarely done because judges are not notified when defendants become eligible for probation. HB 155 would require notice that defendants were approaching eligibility to be sent to sentencing courts, increasing the opportunity for judges to place these defendants under community supervision. This would better serve defendants, who often have better access to meaningful services and resources when on community supervision than when in a state jail. Improving access to these services, such as those that help defendants find employment, also could help lower state jails' high recidivism rates.

Enabling judges to place more offenders under community supervision would lessen the burden currently placed on overcrowded state jails and reduce their operational costs. Community supervision costs only a few dollars per day per offender, much less than the cost to confine an offender in a state jail.

The bill would not add to administrative bureaucracy, as an email notification system already is in place at the agency and could be modified to send the required notices.

**OPPONENTS
SAY:**

Because adequate opportunities already exist for judges to be notified that an inmate is eligible for community supervision, HB 155 would impose an unnecessary mandate on TDCJ. The notification required by the bill would create unnecessary administrative bureaucracy seemingly in order to encourage judges to consider granting probation to convicted state jail felons. The duty to issue such reminders belongs the judges and attorneys taking part in the original criminal proceeding.

