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Smart-On-Crime Agenda Scores Important Victories with the 84th Legislature

Legislators Respond to the Call for a Right-Sized Criminal Justice System That Improves Reentry Outcomes and Does Not Overcriminalize Children

AUSTIN, TX—The Texas Smart-On-Crime Coalition – whose Executive Committee is comprised of the Texas Association of Business, Goodwill Central Texas, the American Civil Liberties Union of Texas, the Texas Public Policy Foundation, and the Texas Criminal Justice Coalition – worked tirelessly with members of the Texas Legislature this session to pass cost-saving bills that increase public safety, strengthen the state’s workforce, and improve Texas communities.

The Coalition is proud to have supported many positive reforms this session, some of which are highlighted below.

One significant accomplishment this session is the passage of House Bill 48 (author: Rep. Ruth Jones McClendon, sponsor: Sen. Rodney Ellis), which creates the Timothy Cole Exoneration Review Commission to review all cases that resulted in exoneration and make recommendations to the Legislature to prevent future wrongful convictions.

House Bill 1396 (author: Rep. Paul Workman, sponsor: Sen. Konni Burton) requires a strict construction of statutes or agency rules that create a criminal offense outside of the Penal Code or Texas Controlled Substances Act. The bill also creates a commission to review all penal laws outside of the Penal Code or Chapter 481 of the Health and Safety Code, or related to the operation of a motor vehicle, and to make recommendations to the Legislature regarding the repeal of laws that are identified as being unnecessary, unclear, duplicative, overly broad, or otherwise insufficient to serve the intended purpose of the law. According to Marc Levin, Director of the Center for Effective Justice at the Texas Public Policy Foundation, “With more than 1,500 offenses outside the Penal Code, including 11 felonies relating to harvesting oysters, Texans are too vulnerable to obscure and often unclear criminal laws. House Bill 1396 will create an interim commission to review these laws to identify those that are unnecessary or overbroad, and establish that, if one of these laws is ambiguous, the benefit of the doubt should go to ordinary Texans rather than the government. This is a major victory for individual liberty that we anticipate will inspire similar measures at the federal level and in other states.”

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Additionally, House Bill 1396 makes long-overdue updates to property offense “thresholds” (which are dollar ranges corresponding to set penalties), effectively reducing felony incarceration rates without negatively impacting public safety. These thresholds had not been adjusted in 22 years, failing to take into account inflation and needlessly driving up property penalties. “This bill will positively impact thousands of Texans who had been penalized under an outdated system, providing relief to burdened court and corrections systems with great taxpayer savings,” said Bill Hammond, CEO of the Texas Association of Business.

Another legislative victory will safely reduce state jail populations and improve outcomes for those incarcerated in state jails. “We have long realized that the state jail system is not living up to its promise, producing increased recidivism rates, poor rehabilitation, and persistent disciplinary problems,” said Dr. Ana Yáñez-Correa, Executive Director of the Texas Criminal Justice Coalition. House Bill 1546 (author: Rep. Alma Allen, sponsor: Sen. Jose Rodriguez) streamlines the system by which credits for program participation are awarded for state jail populations, providing additional incentive to complete critical treatment programming to prevent re-arrest.

The Legislature also made significant strides toward making Texas a state that embraces second chances. People with a criminal history face daunting obstacles in obtaining employment, housing, and occupational licenses. Rather than protecting communities, these barriers actually increase recidivism and hinder successful reintegration, which is counter to the goal of our correctional system. With House Bill 1510 (author: Rep. Senfronia Thompson, sponsor: Sen. Sylvia Garcia), legislators chose to protect landlords who lease property to people with criminal records, which will improve access to housing among millions of Texans.

The Legislature also took important steps with Senate Bill 1902 (author: Sen. Charles Perry, sponsor: Rep. Abel Herrero), which will improve the system for granting orders of nondisclosure for criminal records, allowing people to put past mistakes behind them and return to being productive members of the community.

The Legislature took further steps to promote the successful reintegration of formerly incarcerated individuals into Texas communities. “Nearly 75,000 people will be released from prison this year, so it is crucial that they are equipped to become positive members of the community,” said Traci Berry, Senior Vice President of Community Engagement and Education of Goodwill Central Texas. Senate Bill 1024 (author: Sen. Kel Seliger, sponsor: Rep. James White) allows incarcerated individuals to earn a high school diploma, not just a GED, while still in prison, which will improve their employment prospects post-release. Furthermore, Senate Bill 578 (author: Sen. Chuy Hinojosa, sponsor: Rep. Alma Allen) ensures that incarcerated individuals have access to accurate, up-to-date reentry resource information prior to release so that they can develop a solid plan to transition from prison back to the community.

In the realm of juvenile justice, the Coalition supported successful legislation that decriminalized truancy, ending a practice that has sent more than 100,000 Texas students each year to adult criminal courts on misdemeanor charges. House Bill 2398 (author: Rep. James White, sponsor: Sen. John Whitmire) does away with the Class C misdemeanor of “Failure to Attend School” that saddled students with fines of up to $500 and a criminal record, and could lead to their arrest and incarceration if the fine remained outstanding when they turned 17. “House Bill 2398
acknowledges that these consequences were neither effective nor appropriate in treating the root causes of truancy, which research demonstrates most often lie in family and community factors largely outside of students’ control,” said Terri Burke, Executive Director of the ACLU of Texas. Instead, the bill reforms Texas’ truancy system by shifting primary responsibility for truancy prevention to the schools and keeping civil court an option of last resort, thus minimizing the expenses and negative consequences associated with overreliance on the court system.

For a more comprehensive list of successful justice policies supported by the Texas Smart-On-Crime Coalition or individual members groups, please reach out to the contacts listed above.