TEXAS CRIMINAL JUSTICE COALITION

Douglas Smith, MSSW, Policy Analyst
Work: (512) 441-8123, ext. 102
Cell: (512) 960-0534
dsmith@TexasCJC.org
www.TexasCJC.org

TESTIMONY 2015
HB 271

Dear Members of the Committee,

Thank you for this opportunity to testify in favor of HB 271 by Representative Miles. HB 271 will restore automatic mandatory supervision to people sentenced to the Texas Department of Criminal Justice (TDCJ) for a nonviolent drug offense. This bill will save money and improve efficiency without negatively impacting violent crime rates in Texas.

UNDERSTANDING MANDATORY SUPERVISION

- "Mandatory supervision" is a form of parole release. When a person's time served, combined with good time and work time credits, equals 100 percent of the sentence, he or she may be released on mandatory supervision.[1]
- Individuals in TDCJ are eligible for parole when 25 percent of their sentence served, when factoring actual time served plus good time and work time credits.[2] Therefore, incarcerated individuals are reviewed for parole at least once, and possibly multiple times, prior to reaching their mandatory supervision release date.
- No individual convicted of a violent offense listed in §508.149(a) of the Texas Government Code is eligible for release on mandatory supervision.[3]
- Until 1995, release on mandatory supervision was ***automatic*** for most incarcerated individuals. However, the Legislature made release on mandatory supervision "discretionary" for anyone convicted after September 1, 1996.[4]

THE EFFECTS OF MAKING MANDATORY SUPERVISION "DISCRETIONARY"

- The result of making mandatory supervision "discretionary," along with other measures to reduce parole approval rates, was a nearly 15 percent increase in Texas' prison population in less than five years.[5] The population exceeded 150,000 as of 2000, and it reached more than 160,000 in the decade to come. The current population is holding steady at approximately 150,000 incarcerated individuals.[6]

- Texas' prison population remains high for two reasons:

  (1) People continue to be sentenced to prison under "tough on crime" measures that apply to both violent and nonviolent individuals.
  (2) The percentage of individuals released on parole or mandatory supervision has decreased – again, due to policies applicable to both violent and nonviolent individuals.

- To put this in perspective, this means that, if TDCJ were to place every individual it held in custody in one location, that location would be more populous than the 18th largest city in Texas.[7] Texas incarcerates more people than any other state.[8] The only state that comes remotely close to the number of people incarcerated in Texas is California, and California's overall population is 12 million greater than Texas.

- Texas pays an enormous price for "tough on crime" policies. The total revenue allocated to TDCJ exceeds $3.2 billion per year,[9] nearly $2.9 billion of which is from General Revenue – which is approximately six percent of the general revenue available for all state needs, from transportation to education.

Continued on reverse.

KEY FINDINGS

- According to TDCJ's most recent statistical report, 18,973 individuals were in prison for a drug offense as of August 2014.[10] At at average cost of $50.91 per person per day,[11] taxpayers were spending $965,915 per day to house these individuals – some of whom may now be eligible for release on mandatory supervision.

- Removing the costly step of mandatory supervision review for individuals with nonviolent drug offenses will save the state more than $13 million during the next fiscal year alone.[12]

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 271 BY REPRESENTATIVE MILES

HB 271 restores automatic mandatory supervision for those convicted of nonviolent drug offenses.

» This bill will ***NOT*** apply to anyone convicted of a violent or sexual offense.
» This bill does ***NOT*** remove the Board of Pardons and Parole's authority to perform parole reviews; it simply removes the additional step of Discretionary Mandatory Supervision review. This will free up Parole Board time and resources, which can be better spent reviewing parole eligibility for those incarcerated for violent crimes.
» Under this bill, the Board of Pardons and Paroles ***MAY*** still require those convicted of drug offenses to attend treatment programming prior to release, as all those eligible for mandatory supervision will still be reviewed for parole at least once before reaching mandatory supervision eligibility.

Citations

[1] Texas Board of Pardons and Paroles, "Parole/Mandatory Supervision Information," http://www.tdcj.state.tx.us/bpp/what_is_parole/parole.htm.
[2] Ibid.
[3] Ibid.
[4] Texas Department of Criminal Justice, Parole Division, *Types of Releases*, https://www.tdcj.state.tx.us/divisions/parole/parole_release_types.html.
[5] Criminal Justice Policy Council, "Texas Correctional Population Changes in Historical Perspective: Long-Term Planning Issues to Consider," February 27, 2001, 7-16, http://www.lbb.state.tx.us/Public_Safety_Criminal_Justice/Reports/CorrectionalPop.pdf.
[6] Legislative Budget Board, "Monthly Tracking of Adult Correctional Population Indicators (March, 2015)," http://www.lbb.state.tx.us/Documents/Publications/Info_Graphic/812_MonthlyReport_FY2015.pdf
[7] Wikipedia, "List of Texas Cities by Texas Population," http://en.wikipedia.org/wiki/List_of_cities_in_Texas_by_population
[8] The Sentencing Project, "Prison Population by State," http://www.sentencingproject.org/map/map.cfm#map.
[9] Legislative Budget Board, Texas Department of Criminal Justice Operating Budget, 2014," http://docs.lbb.state.tx.us/display.aspx?DocType=OB.
[10] Texas Department of Criminal Justice, Statistical Report: Fiscal Year 2014, 1, http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2014.pdf.
[11] Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report, Fiscal Years 2013 and 2014*, Submitted to the 84th Texas Legislature, February 2015, 4, http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/1440_Criminal_Juvenile_Justice_Uniform_Cost_Report.pdf. The $50.91 per person per day figure is an average of 3 FY 2014 costs: Pre-1987 Facilities, 1,000 Bed Prototype Facilities, and 2,250 Bed Prototype Facilities.
[12] Legislative Budget Board, Fiscal Note, 84th Legislative Regular Session, April 8, 2015, http://www.capitol.state.tx.us/tlodocs/84R/fiscalnotes/pdf/HB00271I.pdf#navpanes=0