

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Criminal Jurisprudence
For SB 1318

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Hearing Date: April 25, 2023 10:30 AM - or upon final adjourn./recess or bill referral if permission granted

Melissa Aellos
Self - Educator
Manor, TX

I oppose SB 1318 because it undermines the principle that a defendant is innocent until proven guilty by expanding the types of offenses for which a person can be denied release on a personal bond. This bill could put thousands of Texans, who are not a threat to public safety, in jail only because they cannot afford to post bail.

Heidi Kahle
Self
Austin, TX

I am writing to express opposition to SB 1318. This bill would reduce judicial discretion, increase reliance on cash bail, create new criminal offenses for violating bond conditions, and ultimately increase pretrial incarceration. The bill also undermines the fundamental principle that a defendant is innocent until proven guilty by expanding the types of offenses for which a person can be denied release on a personal bond.

Reed Bilz, Ms
Self
Fort Worth, TX

I'm a voting Texan. I'm writing to officially register my **OPPOSITION** to SB 1318. The proposed Amendment would allow preventive detention to include second degree aggravated assault – an offense that can be charged without any physical harm caused. The proposed law further inappropriately allows magistrates to detain people without representation from defense counsel, without tying their risk determinations to specific, substantiated facts, and without a specific finding of extremely high risk to public safety. I urge you to vote **NO** on this discriminatory legislation.”

Taylor Trevino
self
Austin, TX

I urge legislators to oppose this bill. Texas already holds thousands of people in jail simply because they are too poor to afford bail, and any steps to make it easier to hold people in jail before trial will fall hardest on Black and Brown Texans and people without money.

Nate Walker
The Bail Project
Austin, TX

The Bail Project writes to testify on SB 1318. Our work across the country proves that cash bail is unnecessary and that there are more effective ways to improve our nation's pretrial systems.

We would like to thank the committee for addressing many of our concerns in this version of SB 1318, which represents a significant improvement from the version that passed the Senate – to which we testified in strong opposition.

Cash bail undermines both freedom and fairness in our criminal justice system. Cash bail creates a two-tiered system that treats people differently depending on how much money they have. People who cannot afford their bail amounts are trapped behind bars for weeks, months, or even years while they wait for their trial. In some Texas county jails, there are people who have been awaiting their day in court for over three years.

While we appreciate the improvements made to this bill, we remain concerned that SB 1318 increases Texas' reliance on cash bail and the likelihood that people will be unnecessarily detained pretrial simply because they are too poor to pay bail. Specifically, SB 1318's denial of personal bonds for people charged with certain offenses will mandate judges to impose cash bail more often based on mere accusations alone and regardless of individualized circumstances that might impact a pretrial release decision.

Even when they have reason to believe that someone poses no risk to public safety or of flight, judges – who are closest to the facts of the cases before them – will not be able to release people without bail to await trial from home; instead, more people will have to pay money for their freedom. This flips the presumption of innocence on its head, further criminalizes poverty, and undermines judicial discretion.

If judges are forced to impose cash bail more often, the population in our jails will continue to grow. Today, there are more than 70,000 people in jail in Texas, and each year, approximately 505,000 Texans are admitted. Our county jails are already chronically overcrowded, and over 70 percent of people are being held without a conviction. These thousands of Texans experience tremendous consequences as a result of their pretrial incarceration: they lose their jobs and homes, they are separated from their children, their physical and mental health worsens, they are forced to endure the trauma that life in jail brings, and they are more likely to be convicted or accept a guilty plea and receive a harsher sentence. Pretrial incarceration, even if it is only for 48 hours, increases the likelihood that someone will become involved in the criminal justice system again in the future. These consequences undermine public safety – and come at an expense to taxpayers that is greater than \$1.1 billion each year.

Restricting personal bonds and doubling down on cash bail undermines due process and threatens the public safety SB 1318 seeks to protect. We urge you to consider removing this provision.

Saba Blanding
Self
Houston, TX

My name is Saba Blanding, and I am writing to OPPOSE SB 1318. SB 1318 will increase reliance on cash bail, reduce judicial discretion, and create new criminal offenses for violating bond conditions. Currently, 70% of the jail population in Texas is held without a conviction. This bill will increase pretrial incarceration.

Please vote no on SB 1318.

Thank you in advance for your time.

Jennifer Carreon, Dr.

Texas Appleseed

Austin, TX

OPPOSE SB1318

Each year, at least 505,000 different people are booked into local jails in Texas. This is a staggering number, one made even more shocking when we recognize that pretrial incarceration in Texas has increased by about 500% since 1970. Measures such as the ones outlined in SB 1318 – increasing reliance on cash bail, reducing judicial discretion, and creating new criminal offenses for violation of bond – do not make our state safer, and deepen existing disparities.

The court system in Texas is built upon the principle that a defendant is innocent until proven guilty. SB 1318 is counterintuitive to that principle, expanding the categories of people that cannot be released on personal bond. This could result in thousands of additional people who are not active threats to public safety being locked up in jail simply because they did not have the means to post bail.

Additionally, this bill would create a new criminal offense for violating bond conditions. Currently, 70% of Texas' jail population is being held without a conviction. If SB 1318 were to pass, the overcrowding issue we have seen in our jails would only worsen, and even more taxpayer dollars would be spent holding people who have not even had their day in court.

Cash bail does not keep our state safe. Research has shown that when a defendant is held pre-trial, it increases the chance that they will plead guilty, and also increases the chance that they will recommit a crime. These outcomes are harmful and expensive when we think about their impact on defendants and our state as a whole. SB 1318 further relies upon punitive, unproductive policies under the assumption that they will lead to improvements in safety, when they will only increase the burgeoning of our jails.

SB 1318 undermines the presumption of innocence that is fundamental to our legal system and criminalizes poverty. By limiting personal bonds and emphasizing the usage of cash bail, we incarcerate Texans who have no way of paying for bail with little to no consideration on whether or not they are being denied it because they pose any real risk to public safety. For all these reasons, we encourage the committee to vote in opposition to this bill.

Jennifer Hixon

Texas Civil Rights Project

San Antonio, TX

We greatly appreciate the committee's changes to SB 1318 as proposed by the House Criminal Justice Committee. However, Texas Civil Rights Project has significant concerns about sections of SB 1318 that would further expand pretrial detention in Texas. We are particularly concerned about the section that would require detention for people who may have ICE detainees, which have no relationship to any public safety concern.

We want to commend the committee for the sections of SB 1318 that would ensure survivors of family violence are advised of their rights and sources of available support. We also support sections of the bill that expand the possibility of release on PR bonds. We appreciate the difficulty in navigating the concerns of public safety. However, we do not believe pretrial detention improves public safety in Texas. Instead, expanding pretrial detention needlessly detains thousands of Texans before they have had an opportunity to present a fair and full defense for the crimes they are accused of.

dalila reynoso

self

tyler, TX

My name is Dalila Reynoso. I am here to testify against SB 1318.

I am thankful for the changes in the committee substitute that make this version safer than the Senate version. But I am compelled to testify against it because in my experience as a 40 yr lifelong resident of Smith county, I know this bill will further criminalize people with mental illness and developmental disabilities. This vulnerable population is already disproportionately impacted due to cash bail and pretrial detention.

As per the TX Judicial Commission on Mental Health, "in 2013, over 40% of bookings into local Texas county jails were for individuals who had some prior contact with the Texas public mental health system." In 2016, they also noted that "adults with untreated mental health conditions are eight times more likely to be incarcerated than the general population."

One such story behind that data is my childhood friend Cindy.

In 2020, Cindy was a current client of the Local Mental Health Authority when she experienced a psychotic breakdown due to a change in her medications. Her family repeatedly pleaded for mental health intervention from the LMHA. But instead, Cindy was arrested, charged with aggravated assault and booked into our jail. She decompensated in solitary confinement for nearly two months. She stopped eating. I raised donations for Cindy's \$5,000 bond, secured her release and got her into a behavioral hospital where she recovered for 2 months.

This is not a unique story. This is routine in my county. I have dozens of similar stories.

People with mental illness and intellectual disabilities are often charged with aggravated assault even when no one is hurt. Like Michele Goodwin and Havilah Swanson. The mandatory 16.22 Mental Health screenings are not done. Even prior to SB 6, there was no diversion with 17.032 Mental Health PR bonds. In January, a young man committed suicide in our jail after being arrested from the behavioral hospital.

Our judges are already detaining way too many people, for way too long, on high bonds. There are no checks and balances for court appointed attorneys. Our jail was out of compliance with the Texas Commission on Jail Standards for over a year, due to overcrowding. We are now housing our pretrial population in other counties at great cost to the taxpayers.

I beg this committee NOT to give the punishment system more tools to expand pretrial detention. Public safety means investing in public health, not more cages.

Thank you.

Cindy Nitzsche

Self

Deer Park, TX

I support this bill. This bill is good public policy. This bill furthers the safety of the citizens of the state of Texas.