PROMOTE PUBLIC HEALTH APPROACHES TO DRUG USE

PROBLEM: Currently in Texas, possession of up to two ounces of marijuana is a Class B misdemeanor, punishable by up to six months in jail and a $2,000 fine. In 2017, nearly 65,000 people in Texas were arrested for marijuana possession, accounting for the great majority of all drug arrests in Texas.

POLICY SOLUTION: Reduce the penalty for low-level marijuana possession from a Class B misdemeanor to a Class C, fine-only misdemeanor, or make low-level marijuana possession a civil violation.

Bill(s): HB 63, HB 335, HB 753, SB 156, HB 371
Partner(s): Texas Criminal Justice Coalition, Texas Inmate Families Association

PROBLEM: In 2017, more than 800,000 people were arrested in Texas – 147,000 for drug violations alone. Without access to treatment in our communities, people with drug use problems are far more likely to be arrested than to receive help, creating a cycle of incarceration that hurts families and wastes resources.

POLICY SOLUTION: Create a grant program for local communities to invest in substance use disorder continuum of care so we can divert resources from policing and jails and reinvest in a community based public health infrastructure.

Bill(s): TBD
Partner(s): Texas Criminal Justice Coalition

PROBLEM: Texas’ state jail system was originally intended to divert people with nonviolent drug and property offenses from crowded prisons and instead offer them rehabilitative services in localized facilities, followed by community supervision. However, because the state did not adequately fund rehabilitative services, the 8,000 people in state jails today have extremely limited access to treatment and programming options, and typically have no post-release supervision.

POLICY SOLUTION: Reduce penalties for certain first and low-level offenses, specifically reduce possession of less than 1g of a controlled substance from a state jail felony to misdemeanor, to provide more opportunities for treatment over incarceration.

Bill(s): TBD
Partner(s): Texas Criminal Justice Coalition
END THE CRIMINALIZATION OF POVERTY

PROBLEM: At least 3 in 4 license holds and suspensions on Texas drivers are a direct result of the driver failing to pay fines or fees, not dangerous driving. Many people affected by the more than 2 million holds and suspensions for unpaid fines and fees lack the money to pay what they owe, so have no way to get their licenses reinstated.

POLICY SOLUTION: End unnecessary holds and suspensions related to unpaid fines and fees, while still holding people accountable and leaving suspensions for dangerous driving unaffected.
Bill(s): HB 162, “Driver Responsibility Program Repeal” HB 683, SB 191, HB 465
Partner(s): Texas Appleseed, Texas Fair Defense Project

PROBLEM: “Driving While License Invalid” (DWLI – a suspended license) is a fine-only Class C misdemeanor unless it is a person’s subsequent offense, in which case it becomes a Class B misdemeanor, warranting up to six months in jail and a $2,000 fine. Tens of thousands of Texans are arrested and jailed each year for driving with a suspended license, some because they could not afford expensive civil “surcharges.” In 2017, approximately 25,000 Class B misdemeanor DWLI cases were added to Texas court dockets, and during that year, nearly 11,000 people were sentenced to county jail on a DWLI offense.

POLICY SOLUTION: Reduce the penalty for a DWLI offense from a Class B to Class C misdemeanor.
Bill(s): HB 372
Partner(s): Texas Criminal Justice Coalition, Texas Fair Defense Project

PROBLEM: In Texas’ current pretrial justice system, pretrial detention too often hinges on whether a person has enough money for bail, not their danger to other people or flight risk while awaiting trial.

POLICY SOLUTION: End reliance on money bail and instead move to a risk-based system of pretrial release, which would allow most people to be released on personal bond.
Bill(s): HB 1323, SB 628
Partner(s): Texas Appleseed, Texas Criminal Justice Coalition

REPEAL POLICIES THAT CREATE SECOND CLASS STATUS FOR PEOPLE WITH A CRIMINAL HISTORY

PROBLEM: Nearly 70,000 men and women reenter Texas communities after prison each year, and many face significant hurdles to employment, especially licensed professions. Texas requires occupational licenses for more than 25 percent of professions, but automatic exclusions and vague disqualifying criteria for people with criminal records pose barriers to licensure.

POLICY SOLUTION: Prohibit licensing boards from disqualifying an applicant whose offense history does not “directly relate” to the occupation being considered; clearly and narrowly define how an offense does “directly relate” to an occupation; eliminate vague “moral character” standards.
Bill(s): HB 1342, SB 523
Partner(s): Texas Criminal Justice Coalition
PROBLEM: Individuals convicted of a felony in Texas are ineligible to vote while in prison, on parole, or on probation. Voting rights are automatically restored upon completion of all supervised release, however, there is no limit on the length of time a person can be under supervision in Texas, in some cases resulting in a lifetime of voter disenfranchisement.

POLICY SOLUTION: Reinstate voting rights for anyone not currently incarcerated regardless of community supervision.
Bill(s): TBD
Partner(s): Texas Criminal Justice Coalition

DRAMATICALLY CHANGE PAROLE AND PROBATION FOR ADULTS AND JUVENILES

PROBLEM: After a series of U.S. Supreme Court cases, states were required to eliminate mandatory life without parole sentences for youth under 18 years of age. Texas now requires people who would have received that sentence to instead serve 40 years before becoming eligible for parole, a de facto life sentence that provides no reasonable opportunity to build a life outside of prison.

POLICY SOLUTION: Halve the mandatory minimum term before parole eligibility for all individuals sentenced to capital murder or a first degree felony while under the age of 18; and require the Parole Board to consider mitigating factors during the parole hearing such as growth, maturity, rehabilitation, the hallmark features of youth, and youthfulness at the time of the offense.
Bill(s): “Second Look” HB 256 and SB 155
Partner(s): Texas Criminal Justice Coalition

PROBLEM: TDCJ Parole Division supervises 6,466 individuals who have been on parole for at least 10 years; almost 2,500 of those have been under supervision for over 15 years. However, research shows that the first six months to the first year are the most critical period for individuals who have been to prison and are returning to their communities, and there is agreement that resources should be focused on those critical periods.

POLICY SOLUTION: Follow the lead of Colorado, New York and Utah, which limit the amount of time that individuals on parole can spend on parole, no longer than 10 years. Others, such as Maryland, Nebraska, Hawai‘i, and Iowa allow the Board to terminate parole totally after a period of time, especially if those individuals can show they have steady employment and have been sanction-free for years.
Bill(s): TBD
Partner(s): ACLU of TX

PROBLEM: Good time credit is earned for the good behavior that an incarcerated person shows in prison. Earned time is for participation in or completion of productive activities in certain programs. For non-aggravated offenses good time and work time can be added to flat time served to equal the time required to be eligible for parole review. Both good time and work time can be lost due to a major rule infraction. People serving time for certain offenses currently do not earn ANY time credits for their efforts.

POLICY SOLUTION: Authorize earned time credits toward parole eligibility for all persons incarcerated by the Texas Department of Criminal Justice (TDCJ) for participation in programs such as education, vocation, treatment/rehabilitation, and agriculture/work.
Bill(s): “Earned Time Credit” HB 1419
Partner(s): Texas Inmate Families Association
PROBLEM: In Texas, as a condition of community supervision, a judge can prohibit a person from contacting or interacting with individuals or groups of individuals with criminal histories. This is a direct barrier to the growth of Texas Advocates for Justice and other organizations seeking to build community power with individuals directly impacted by the criminal justice system and seeking to create positive personal and systemic change.

POLICY SOLUTION: Prohibit judges from prohibiting individuals on community supervision from interacting with other persons with criminal histories.
Bill(s): HB 373

PROBLEM: Today in Texas, community supervision officers are not required to take clients’ work and treatment schedules into account when scheduling mandatory meetings or visits. This can force a person to have to make the unfair and impossible choice between missing work or treatment and complying with their supervision requirements.

POLICY SOLUTION: A community supervision and corrections department must adopt a policy regarding the scheduling of meetings or visits with a defendant placed on community supervision and supervised by the department. The policy must require the officer supervising the defendant to take into consideration the defendant’s work, treatment, or community service schedule, as applicable, when scheduling any required meetings or visits.
Bill(s): HB 374

CREATE BETTER ACCOUNTABILITY FOR TEXAS' INHUMANE PRISON SYSTEM

PROBLEM: The Texas Department of Criminal Justice (TDCJ) has a variety of internal accountability mechanisms. However, those do not and cannot serve the same role or offer the same benefits as external oversight, which promotes transparency, accountability, and good government, and reduces the likelihood of expensive litigation against the agency.

POLICY SOLUTION: Create an independent, external oversight body that can routinely monitor Texas prisons, oversee and investigate complaints and identify ways to protect and improve the rights and safety of Texas prisoners.
Bill(s): “TDCJ Independent Ombudsman” HB 363 and SB 188
Partner(s): Texas Criminal Justice Coalition, Texas Inmate Families Association

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We are proud to partner with Texas Criminal Justice Coalition, Texas Fair Defense Project, Texas Appleseed, Texas Inmate Families Association and ACLU of Texas. We thank them for their leadership on these critical policy priorities.