

SUBJECT: Prohibiting restoration of good conduct time

COMMITTEE: Corrections — committee substitute recommended

VOTE: 6 ayes — Hightower, Gray, Allen, Culberson, Longoria, Serna
0 nays
3 absent — Farrar, Pitts, Telford

SENATE VOTE: On final passage, February 16 — voice vote

WITNESSES: For — None
Against — None
On — Carl Reynolds, Texas Board of Criminal Justice

DIGEST: CSSB 44 would prohibit the Texas Department of Criminal Justice (TDCJ) from restoring good conduct time forfeited because an inmate in the institutional division or a transfer facility commits an offense or violates a rule or because an offender has parole or mandatory supervision revoked.

The bill would require TDCJ to award county jail prisoners who are transferred to TDCJ good conduct time up to the amount they would earn at the *entry level* in TDCJ, instead of the current requirement that good conduct time be awarded as if the person were confined in TDCJ. Inmates in transfer facilities would earn good conduct time and be subject to good conduct time rules as if they were in the institutional division, instead of as if they were in a county jail awaiting transfer to prison. Inmates in transfer facilities would be added to the statutes covering forfeiture and restoration of good conduct time for prison inmates.

CSSB 44 would remove the current requirement that the TDCJ board annually consider inmate overcrowding and possible changes in inmate classification and the restoration of and awarding of good conduct time.

CSSB 44 would remove the requirement that TDCJ's classification of inmates consider the inmate's criminal history, making the classification dependent on the inmate's conduct, obedience and industry. CSSB 44 would extend the requirements that inmates be classified upon arrival to inmates in transfer facilities. The responsibility for awarding good conduct time and classifying inmates would moved from the institutional division to TDCJ.

The changes would apply only to offenses committed on or after the bill's effective date, September 1, 1995.

**SUPPORTERS
SAY:**

CSSB 44 would codify current TDCJ board policy to ensure that good conduct time that is forfeited — no matter what the reason — would not be restored to inmates. CSSB 44 would restore meaning to the use of good conduct time and would ensure that this important policy is in the statutes so it could not be subject to changes in the sentiments of the TDCJ board. Because CSSB 44 would reflect current board policy it would have no impact on the prison system as it is now operated.

Some of the current liberal good time polices were adopted to help deal with an overcrowded prison system and sometimes allowed violent offenders to be released after serving only a fraction of their sentences. With the recent expansion in prison capacity good conduct time should be restored its use as a reward for good behavior and hard work and should be revoked if an inmate violates a prison rule, commits an offense or has parole revoked. These changes would help allow good conduct time to become a useful prison management tool.

CSSB 44 would make other changes that would ensure that persons transferred to TDCJ from county jails are awarded the same good conduct time they would have earned at the entry level in a TDCJ facility instead of a possibly higher amount than would be awarded under current law. The bill would also require that persons in transfer facilities be awarded and penalized good conduct time as if they were in a prison. This would ensure that they would be subject to the same rules and sanctions as prison inmates. CSSB 44 would require that classification of inmates be based on inmates' behavior in TDCJ instead of on past events.

The bill would not infringe on the TDCJ board's authority. The Legislature has signaled its intent many times in the past by amending the good conduct time statute.

**OPPONENTS
SAY:**

CSSB 44 could infringe on the TDCJ board's authority to set good time policy. The board should retain authority over good time policy so that it can make changes quickly and respond to changing circumstances.

NOTES:

The committee substitute added provisions relating to factors used to classify inmates, the award of good conduct time to person in county jails, TDCJ's authority to classify inmates in transfer facilities as if they were in the institutional division, including transfer inmates in the good time forfeiture and restoration statutes and eliminating board review of overcrowding and the use of good conduct time.