

SUBJECT: Requiring inmates to participate in treatment programs

COMMITTEE: Corrections — committee substitute recommended

VOTE: 8 ayes — Haggerty, Farrar, Allen, Ellis, Gray, Hopson, Isett, Ritter
0 nays
1 absent — Hodge

WITNESSES: For — Helga Roper; *Registered, but did not testify:* Amy Mizcles, National Alliance for the Mentally Ill, Texas
Against — None
On — Wayne Scott, Texas Department of Criminal Justice

BACKGROUND: Government Code, sec. 498.003, allows the Texas Department of Criminal Justice (TDCJ) to award good conduct time to inmates only if they are actively participating in one of a list of programs that includes treatment programs, such as for sex offenders. An exception is made if TDCJ finds that the inmate is not capable of participating in such a program or endeavor.

DIGEST: CSHB 1314 would amend the Government Code by adding sec. 500.004, which would mandate inmate participation in a treatment program if they are required to do so by law or by TDCJ policy.
The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

SUPPORTERS SAY: CSHB 1314 would clarify TDCJ's authority to require sex offender and other treatment. Some offenders refuse to participate and even have filed grievances and lawsuits to avoid treatment, claiming that current law does not allow TDCJ to compel their participation.

CSHB 1314 also would provide an incentive for inmates to pursue treatment. If the inmates did not participate in required treatment, TDCJ policy would allow them to lose good conduct time that would have counted toward an earlier possible release date.

CSHB 1314 would save taxpayer dollars by stopping inmates from filing frivolous lawsuits, often at taxpayer expense, to avoid participating in treatment programs.

CSHB 1314 would not penalize inmates who had to wait for an opening to attend treatment. Inmates can earn good conduct time for attendance in a variety of prison programs, including work and educational program. Treatment programs usually are reserved for inmates who are within a few years of release to prepare them to return to society. When an inmate is unable to attend a treatment program because of a lack of space in the program, TDCJ currently does not take away good time and would not do so under this bill.

OPPONENTS
SAY:

CSHB 1314 could punish inmates who are required to participate in already full treatment programs by taking away good conduct time and keeping them in prison until those programs became available. While it may be beneficial for inmates and society for prisoners to participate in treatment programs while in prison, TDCJ tends to have little available space in its treatment programs because of a lack of funding.

NOTES:

HB 1314 as filed would have amended Government Code, Sec. 498.003(a) to require that inmates required to participate in a treatment program, either by law or by TDCJ policy, could receive good conduct time only if they participated in the program. An exception would have been made for inmates that TDCJ determined to be not capable of participating in the program.