

**SUBJECT:** Allowing TDCJ to restore forfeited good conduct time

**COMMITTEE:** Corrections — favorable, without amendment

**VOTE:** 7 ayes — Haggerty, Farrar, Allen, Hodge, Ellis, Gray, Ritter  
0 nays  
2 absent — Hopson, Isett

**WITNESSES:** For — Michael Jay Woods, Texas Inmate Family Association; Linda Reeves, Inmate Families Organization, Inc.; Allen Place, Texas Criminal Defense Lawyers Association; Stuart M. DeLuca; *Registered but did not testify:* Barry Keenan, New Directions in Corrections; Jose Chavez, Sylvia Ibbotson, Texas Inmate Family Association; Lisa Luna; Robert L. Elzner; Gordon Roark; John Fenner; Jackie Ullrich; Susan Brown; Judy C. Stafford; Louise Elzner; Marie McDonald; Sheila Hughes  
Against — William “Rusty” Hubbarth, Justice for All  
On — Wayne Scott, Texas Department of Criminal Justice

**BACKGROUND:** Government Code, sec. 498.004 prohibits 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.

**DIGEST:** HB 2800 would allow TDCJ to restore good conduct time forfeited because an inmate in the institutional (prison) division or a transfer facility committed an offense or violated a rule or because an offender had parole or mandatory supervision revoked.  
This bill would take effect September 1, 2001.

**SUPPORTERS SAY:** HB 2800 would give TDCJ a useful tool to manage prison inmates. Good conduct time is used as part of the calculation for when inmates become

eligible for parole. Restoring good conduct time is a useful motivational tool that can give inmates hope and incentive to cooperate with prison officials and to participate in rehabilitation programs. Disciplinary offenses that result in a loss of good conduct time include many non-violent offenses such as being out of place or using indecent language, and in some of these situations, it is unfair or inappropriate to take away good conduct time forever even though state law prohibits its restoration.

It is only relatively recently, since 1995, that Board of Criminal Justice policy and state law have prohibited the restoration of good conduct time. The bill would not mandate that good time be restored under any situation, but would return to prison officials the discretion to decide about restoration of time on a case-by-case basis. This could result in some inmates serving shorter times in state facilities and ease pressure for additional prison capacity.

HB 2800 would have no effect on parole eligibility for inmates sentenced to TDCJ for the serious, violent offenses listed in Code of Criminal Procedure, art. 42.12, sec. 3g because in general, parole eligibility for these offenders specifically is restricted by statutes, and they are ineligible for parole until their time served, *without* consideration of good-conduct time, equals one-half of their maximum sentence or 30 years, whichever is less. Capital murderers are not eligible for parole until they have served 40 years, without consideration of good-conduct time.

OPPONENTS  
SAY:

Good conduct time that is forfeited — no matter what the reason — should not be restored to inmates. Good conduct time should be used 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. This is what allows good conduct time to be a useful prison management tool.

It is important to have the prohibition against restoring good conduct time in the statutes to ensure that this important policy is not subject to changes in the sentiments of the TDCJ board. In the past, liberal good time policies were adopted to help deal with an overcrowded prison system and they sometimes allowed offenders to be released after serving only a fraction of their sentences.

