

SUBJECT: Requiring TDCJ to release inmates from unit or regional facilities

COMMITTEE: Corrections — committee substitute recommended

VOTE: 10 ayes — McReynolds, Madden, England, Hodge, Kolkhorst, Marquez, Martinez, S. Miller, Ortiz, Sheffield

0 nays

1 absent — Dutton

WITNESSES: For — (*Registered, but did not testify:* Matthew Simpson, the ACLU of Texas; Ana Yanez-Correa, Texas Criminal Justice Coalition)

Against — None

On — Brad Livingston, Texas Department of Criminal Justice

DIGEST: CSHB 2289 would require the Texas Department of Criminal Justice (TDCJ) to release a prison inmate from either the facility in which the inmate served the inmate's sentence or a regional release facility that was nearest to the facility in which the inmate served the sentence. If TDCJ determined that releasing an inmate under either of these options was not in the best interest of the inmate or would threaten the public safety, it could release an inmate from a different regional release facility. TDCJ would be required to designate at least six of its facilities as regional release facilities.

The bill would take effect September 1, 2009, and TDCJ would be required to implement the release procedures in the bill as soon as possible after that date and by September 1, 2010.

SUPPORTERS SAY: CSHB 2289 would ensure Texas prison inmates were released in the most economical and practical way. Currently, about half of the approximately 72,000 inmates released from TDCJ each year are released from Huntsville, regardless of the unit in which they served their time. This means that Texas may transport an inmate from a prison in Amarillo to Huntsville for release, then buy the former inmate a bus ticket back to his home in Amarillo. This is both inefficient and costly, especially when

multiplied by thousands of releases. CSHB 2289 would address these problems by requiring TDCJ either to release from local units or from regional release facilities.

While about half of releases occur in Huntsville, the other half occur throughout the state with no problems. Inmates being released from throughout the state include those in specialized treatment programs, those from state jails, and women. These releases are handled smoothly by TDCJ, inmates, their families, and the local communities, and there is no reason to think that releasing other inmates in this way would be a problem.

CSHB 2289 would allow TDCJ the flexibility to decide the best place to release inmates, and this consideration could include input from local communities. The agency would want releases to run smoothly so it would analyze factors such as the location of bus stations and the availability of check-cashing services. When inmates are released from prison, most want to get home, not cause trouble, so local communities should not be concerned about releases occurring in their cities or towns. Many towns with prisons asked to have the unit in their town, and many are used to the culture that comes from having a prison. CSHB 2289 would give TDCJ authority to handle differently any release that could be a particular concern for a community by allowing releases to occur from other units if release from one unit would threaten public safety or was not in the best interest of the inmate.

The fiscal note on CSHB 2289 does not anticipate a cost for the state. While the bill would cause TDCJ to replicate its release processing throughout the state, the bill should result in savings in other areas such as transportation. The bill could reduce some of the 43 TDCJ buses on the road each day, saving gas, wear and tear, and the costs for correctional officers to be on the buses.

CSHB 2289 would put Texas in line with the vast majority of other states. Of the 50 states, only Texas, Colorado, and Utah do not release from all of their facilities. Moving large numbers of inmates across the state to release puts Texas in the minority, even among the three states not releasing from all facilities. Colorado releases from all its public facilities, but not its private ones, and Utah releases from only one of its two facilities.

**OPPONENTS
SAY:**

Having most releases occur in Huntsville has allowed that city to develop a network of services to handle released offenders. Some local communities may not have the proper resources for direct prison releases, such as easily accessible bus services or low-cost check cashing entities. Other communities may have concerns with offenders being released to their streets. CSHB 2289 should ensure local communities have input into any decision to release offenders in their towns or cities.

NOTES:

The committee substitute differs from the bill as filed by removing a requirement that any release not from the unit in which an inmate was serving occur within 75 miles of that unit. The substitute added the requirement that TDCJ choose at least six regional release facilities and gave the agency the option of releasing an inmate somewhere else if release at another unit would not be in the best interest of the inmate or would threaten public safety.

A similar bill, SB 1321 by Whitmire, has been referred to the Senate Criminal Justice Committee.