

SUBJECT: Prohibiting probation conditions that restrict contact with certain persons

COMMITTEE: Corrections — favorable, without amendment

VOTE: 6 ayes — White, Allen, Bowers, Dean, Sherman, Stephenson

0 nays

2 absent — Bailes, Neave

WITNESSES: For — Lauren Johnson, ACLU of Texas; Darwin Hamilton and David Johnson, Grassroots Leadership; Julia Egler, National Alliance on Mental Illness Texas; Douglas Smith and Reginald Smith, Texas Criminal Justice Coalition; Amy Kamp; (*Registered, but did not testify*: Mandy Blott, Austin Justice Coalition; Traci Berry, Goodwill Central Texas; Kathleen Mitchell, Just Liberty; Greg Hansch, National Alliance on Mental Illness Texas, Eric Kunish, National Alliance on Mental Illness Austin; Lori Henning, Texas Association of Goodwills; Emily Gerrick, Texas Fair Defense Project; Lauren Oertel, Texas Inmate Families Association)

Against — Roxane Marek and Chris Thomas, Texas Probation Association

On — Carey Green, Texas Department of Criminal Justice

DIGEST: HB 373 would prohibit judges from establishing certain conditions of community supervision (probation) that would prohibit defendants from contacting or interacting with persons involved in specified types of community, training, and advocacy organizations outlined in the bill.

Judges could not prohibit probationers from interacting with someone who belonged to an organization that included persons who had criminal histories and who engaged in activities that the director of the probation department determined included:

- working with community members to address criminal justice

issues;

- offering training and programs to assist formerly incarcerated persons; and
- advocating for criminal justice reform, including by engaging with state and local policy makers or participating lawfully in rallies, marches, or other public displays of organized activity.

The bill would take effect September 1, 2019, and would apply to defendants placed on community supervision on or after that date.

**SUPPORTERS
SAY:**

HB 373 would ensure that judges did not issue overly broad prohibitions on probationers, preventing them from meaningful, rehabilitative interactions with others who are or were involved with the criminal justice system. Many worthwhile programs, organizations, and activities include individuals with criminal histories and can offer vital services and support to help probationers rehabilitate and become successful members of the community. For example, peer support programs can help probationers by providing support from someone with similar experience, and community-based organizations advocating for social or political change may include individuals who have been justice-involved. Denying probationers the chance to be a part of these organizations can deny them an opportunity to be around positive role models and learn valuable skills.

The bill would apply to organizations that could offer probationers positive experiences, and probation department directors would have a role in determining what organizations met the conditions of the bill. While judges could not issue broad prohibitions on certain groups, they would retain discretion to set conditions of probation.

**OPPONENTS
SAY:**

HB 373 could limit judges' discretion to craft conditions of probation that were specific to an individual probationer. Currently, probationers subject to a prohibition that interferes with their chances to obtain services or support from an organization or to participate in a meaningful activity can ask a judge to waive that condition of probation.