

SUBJECT: Requiring certain considerations when scheduling probation meetings

COMMITTEE: Corrections — committee substitute recommended

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

0 nays

2 absent — Bailes, Neave

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

Against — None

On — Carey Green, Texas Department of Criminal Justice; Roxane Marek and Chris Thomas, Texas Probation Association

DIGEST: CSHB 374 would require local community supervision and corrections departments to adopt a policy that probation officers consider probationers' work, treatment, and community service schedules when planning required meetings and visits. Probation departments could allow probationers to report to their probation officers through videoconferencing if an in-person meeting or visit were unnecessary.

The bill would take effect September 1, 2019, and probation departments would have to adopt the required policy by January 1, 2020.

SUPPORTERS CSHB 374 would remove a potential barrier for individuals on probation

SAY: and help ensure more probationers were successful. Local probation departments should do all they can to help probationers succeed because probation furthers rehabilitation. Probationers who do not succeed could be incarcerated, resulting in higher recidivism rates and costs.

Each of the state's community probation departments currently develops its own policy, if any, about scheduling meetings between probation officers and probationers. In some cases, meeting times can conflict with a probationer's job, school, or community service. Because missing a meeting could lead to the revocation of probation, probationers may have a difficult decision to make if an employer objects to the probationer missing work or if missing school or community service presents problems. However, losing a job, missing treatment, or failing to get an education also could lead to revocation. Probation revocations can result in incarceration, job loss, family strain, and disrupted education and substance abuse or mental health treatment.

CSHB 374 would not burden local departments or reduce their ability to create policies that best meet their circumstances. Departments already work to accommodate probationers' schedules and many have policies similar to what the bill requires. The Texas Department of Criminal Justice has successfully implemented a similar policy for scheduling parole meetings, proving that these types of policies are workable. The bill would expand departments' flexibility by allowing videoconferencing as another way for officers and probationers to meet.

A statewide law is needed to ensure all departments have a policy. CSHB 374 would be a less cumbersome approach than having the Texas Board of Criminal Justice adopt a rule that would have to go through multiple steps to be adopted, and it would give TDCJ legislative guidance.

Because the bill would make it less likely that a probationer would be asked to leave work to meet with a probation officer, CSHB 327 could encourage employers to hire ex-offenders. This would help reduce recidivism and help probationers to be more successful.

OPPONENTS
SAY:

CSHB 327 would require probation departments to adopt a policy for scheduling meetings between probationers and probation officers. An agency rule, rather than a law, might provide more flexibility for future changes to the policy's requirements.