

- SUBJECT:** Requiring statistics for state jail felony reductions and pretrial diversions
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Leach, Farrar, Julie Johnson, Krause, Meyer, Neave, Smith, White
- 0 nays
- 1 absent — Y. Davis
- WITNESSES:** For — Allison Franklin, Texas Criminal Justice Coalition; (*Registered, but did not testify*: Nick Hudson, American Civil Liberties Union of Texas; Guy Herman, Probate Court of Travis County; Emily Gerrick, Texas Fair Defense Project)
- Against — None
- BACKGROUND:** Government Code sec. 71.035 requires the Texas Judicial Council to gather judicial statistics from the court officials. The council can request and require that court officials, as an official duty, comply with reasonable requirements for supplying these statistics.
- Concerns have been raised about the limited statistics gathered by the council on the effectiveness of courts reducing state jail felony punishments to misdemeanor punishments and of pretrial diversion or pretrial intervention programs.
- DIGEST:** CSHB 4441 would require the Texas Judicial Council to request from court officials statistics related to reductions by courts of state jail felony punishments to class A misdemeanor punishments and to the number of defendants placed in pretrial diversion or pretrial intervention programs.
- Statistics relating to reductions of state jail felony punishments to misdemeanor punishments would include the number and type of offenses for which courts ordered such reductions or authorized the prosecution of

state jail felonies as class A misdemeanors upon the request of prosecuting attorneys.

The bill would take effect September 1, 2019.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of about \$90,000 to general revenue related funds through fiscal 2020-21.