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FACT SHEET

SUPPORT H.B. 2391 BY REPRESENTATIVE MADDEN

EMPOWER LAW ENFORCEMENT TO USE DISCRETION IN MISDEMEANOR ARRESTS

WHAT DOES H.B. 2391 DO?

Currently, Article 14.06 of the Code of Criminal Procedure prohibits police from issuing citations and notices to appear in court for defendants charged with offenses above Class C misdemeanors. H.B. 2391 will empower peace officers to exercise their discretion to determine whether an arrest is necessary for many non-violent, regulatory misdemeanors.

In other words, when peace officers apprehend offenders for certain non-violent misdemeanor offenses, they may choose to issue a citation and notice to appear in court instead of making an arrest. According to the bill, the magistrate conducting the hearing would treat these offenders the same as those originally placed under arrest and could deny bond upon a showing of good cause, as well as issue warrants for absconders.

H.B. 2391 EMPOWERS OFFICERS TO USE THEIR TIME MORE EFFICIENTLY.

Most misdemeanors are regulatory in nature and do not involve an immediate danger to public safety. In fact, the penal code includes hundreds of such misdemeanors: misrepresenting the effect of a citizen petition, invalid inspection sticker, driving stock to market without a bill of sale, and mislabeling a container of fruit.

The average cost of arresting most offenders is \$2,000. Due to the time involved in booking an arrestee into a county jail, an average arrest consumes 3 hours of an officer's work-time.

Even if officers do not make arrests in only half of the misdemeanor apprehensions they currently make, Texas counties will save over \$250 million in the value of time spent by police and judicial system staff in processing arrests and the in the cost of keeping defendants in custody until they can post bail.

H.B. 2391 WILL ALLEVIATE COUNTY JAIL OVERCROWDING.

With over 1.1 million arrests in Texas each year, many county jails across Texas are struggling with overcrowding. For example, in February, 2007, Dallas County was forced to release 700 criminals and suspects to comply with an order from the Jail Standards Commission; Harris County is proposing a new \$300 million county jail bond measure primarily because of capacity issues. Many of these defendants are non-violent, and rather than sitting in jail until the courts dispose of their cases, H.B. 2391 makes it possible for more defendants to return to their jobs and their families until they resolve their cases.

H.B. 2391 WILL SAVE TAXPAYERS MONEY.

This bill will relieve incarceration costs currently being shouldered by taxpayers. On average, it costs taxpayers \$66 per day to jail a defendant in a county jail in Texas, adding up to \$24,000 per inmate per year.

In addition, H.B. 2931 would ensure that county jail beds will remain available for inmates. Currently, the state prison system relies on county jails, leasing several thousand beds in county jails each year, and giving the State the opportunity to lease those beds in lieu of building new prisons. By addressing the capacity crisis at many local county jails, H.B. 2931 can save the State the considerable cost of new prison construction. Over the course of the next 10 years, the cost of constructing new prisons and operating them would be over \$1 billion dollars.

H.B. 2391 PROMOTES PERSONAL RESPONSIBILITY BY HOLDING OFFENDER ACCOUNTABLE FOR THEIR NON-VIOLENT INFRACTIONS.

The most common misdemeanors include graffiti, shoplifting an item worth more than \$50, and writing a hot check of \$20 or more. Offenders who commit such offenses should and would still be held accountable and may ultimately serve up to 180 days upon being convicted and sentenced.