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FACT SHEET

END TECHNICAL REVOCATIONS FOR FEE NON-PAYMENT

PROBATIONERS SHOULD NOT BE SENT TO PRISON BECAUSE OF FEES THAT ARE BEYOND THEIR ABILITY TO PAY

WHAT DOES H.B. 312 DO?

H.B. 312 by Representative Turner eliminates the use of revocation as a sanction for probation fee non-payment except in cases when such non-payment was willful or intentional.

TECHNICAL REVOCATIONS FROM PROBATION ARE A HUGE SOURCE OF NEW PRISON INTAKES.

Probation revocations account for approximately 1/3 of state prison intakes annually. Of these, more than half (55%) are the result of technical revocations, which are based on violations of the terms of probation that do not amount to new crimes.

FEE NON-PAYMENT IS A MAJOR CONTRIBUTOR TO TECHNICAL REVOCATIONS.

Offenders released to community supervision are required to pay monthly fees to probation departments for the duration of their supervision; failure to pay these fees can constitute a violation of probation terms and contribute to a motion to revoke. Of the probationers revoked solely for technical violations, 69% had failed to pay fees at some point during their supervision.

FEE NON-PAYMENT IS AN INDICATOR OF NEED, NOT DEVIANCE.

An examination of the needs profiles of probationers revealed that financial management problems were the most prevalent issue, present in 85% of probationers. Furthermore, criminal records can prevent ex-felons from obtaining gainful employment, further reducing their ability to pay fees; over 58% of revoked probationers were unemployed at the time of their revocation.

REVOKING NON-PAYERS ACTUALLY COSTS THE STATE MUCH MORE THAN SIMPLY IGNORING DEBTS.

Nearly half of revoked probationers return to state prisons and serve an average of 51 months. At a cost of \$44 per day, this amounts to a cost of \$68,255 to taxpayers for each revoked probationer. Considering that the average amount owed by these probationers is \$3,700, are we getting our money's worth?

PROBATION DEPARTMENTS SHOULD DISALLOW UNINTENTIONAL FEE NON-PAYMENT AS A CONTRIBUTOR TO TECHNICAL REVOCATION.

Revoking individuals who cannot pay their fees for circumstances beyond their control undermines the authority of the system and reduces incentives to comply. It also burdens the families of the offenders, who may depend on them for financial and other support.

When probationers have a known problem with financial management, probation officers should work with them to find gainful employment and correct their spending habits, instead of revoking them to prison for a non-crime.