



WRITTEN TESTIMONY

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REGARDING HOUSE BILL 3654

HOUSE OF REPRESENTATIVES COMMITTEE ON CORRECTIONS

APRIL 11, 2007

Dear Members of the Committee:

My name is Ana Yáñez-Correa. I am the Executive Director of the Texas Criminal Justice Coalition. Thank you for allowing me the opportunity to provide testimony regarding House Bill 3654 by Representative Debbie Riddle, Chair of the House Criminal Jurisprudence Budget and Oversight Committee.

H.B. 3654 is an opportunity for the Legislature to end some counties' unfunded mandate to the State regarding ex-offender re-integration, and to hold them responsible for providing treatment services to their residents. By forcing counties that fail to establish treatment and re-entry facilities to pay for such care in other locations, this bill creates an incentive for them to take on responsibility and balance the distribution of facilities.

WHAT DOES THE BILL DO?

If in-prison substance abuse program graduates are required to participate in a continuum-of-care program, and the county to which they should be paroled does not have suitable facilities (transitional treatment centers, community residential facilities, or halfway houses), H.B. 3654 would require the parole panel to place them in another county, with the original county liable for all costs incurred for such placement. This liability would be incurred only for counties that failed to have operating facilities 24 months after the Texas Department of Criminal Justice (TDCJ) proposed such facilities in that county.

HOW ARE COUNTIES CREATING AN UNFUNDED MANDATE TO THE STATE REGARDING OFFENDER RE-ENTRY?

Counties are creating an unfunded mandate to the State by failing to provide a housing infrastructure for former resident ex-offenders, unduly burdening the State.

Individuals approved for parole but not able to be released back into their communities due to the unavailability of community facilities must remain under the supervision of TDCJ, forcing the State to absorb unnecessary costs for supervision.

Currently, there are approximately 700 such inmates who remain incarcerated while on waitlists for community facility slots.ⁱ At a cost of \$44 per inmate per day for incarceration, these inmates are costing the State nearly \$1 million per month.ⁱⁱ

RETURNING EX-OFFENDERS AND THEIR COMMUNITIES ARE MUTUALLY DEPENDENT UPON EACH OTHER.

A survey conducted by the Urban Institute found several dimensions of ex-offender/community interdependence:

- Ex-offenders who reported closer relationships with family members after release were less likely to use drugs and more likely to find work.
- 59% of surveyed ex-offenders were parents of minor children.
- 62% of surveyed ex-offenders owed child support or other debts.

- 51% of surveyed ex-offenders depended on their families for financial support.
- 80% of surveyed ex-offenders resided with their families after release.
- Nearly 1 in 5 ex-offenders sought employment from a former employer; most depended on interpersonal connections to find jobs.

THE STATE SHOULD MAKE IT EASIER, NOT HARDER, FOR EX-OFFENDERS TO RETURN TO THEIR COMMUNITIES.

Slowing the placement of offenders into community facilities disrupts the networks that both ex-offenders and their families depend upon for survival. Therefore, the State should reduce the actions required to establish community residential facilities in order to cut inhibitive red-tape. Facilitating re-entry will alleviate overcrowding, reduce recidivism, and strengthen communities.

H.B. 3654 WILL END THE COUNTIES' UNFUNDED MANDATE TO THE STATE TO PROVIDE TREATMENT FACILITIES FOR THEIR RESIDENTS.

A “not-in-my-back-yard” approach to community-based treatment and supervision facilities has created a disproportionate burden among counties, with a few (usually urban, low-income) neighborhoods being forced to carry more than their share of these facilities.

County and city governments have used zoning laws and other tactics to block the operation or construction of these facilities, forcing TDCJ to contract with other counties to provide services that assist residents of the original county, essentially subsidizing what should be those counties' responsibilities.

Counties must accept those who must be re-integrated into society. If they are not willing to allow their placement into housing facilities in the neighborhoods or communities from which the individuals came, then they should have to cover re-entry infrastructure expenses incurred by creating and running comparable facilities elsewhere to meet Texas' public safety needs.

By allowing TDCJ to collect funds from counties that refuse to support substance abuse facilities in their districts, H.B. 3654 can end these counties' unfunded mandate for services and encourage the development of community facilities in all the neighborhoods where they are needed.

I appreciate the opportunity to testify before the committee and to provide information on this important issue. The State has an opportunity in H.B. 3654 to strongly encourage counties to take responsibility for facilitating the re-integration of their residents and ending an unfunded mandate that has cost the State millions.

ⁱ Comments by Senator John Whitmire to a Joint Hearing by the House Corrections Committee and the Senate Criminal Justice Committee, January 30, 2007.

ⁱⁱ Livingston, Brad and Bonita White. *Overview of Probation for the 79th Legislative Session*. Texas Department Of Criminal Justice Community Justice Assistance Division, January 12, 2005.