



**WRITTEN TESTIMONY**

**SUBMITTED BY ANA YÁÑEZ-CORREA, EXECUTIVE DIRECTOR  
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**REGARDING HOUSE BILL 3702**

**HOUSE OF REPRESENTATIVES COMMITTEE ON CORRECTIONS**

**APRIL 2, 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 this opportunity to present testimony regarding House Bill 3702 by Representative Miles.

Keeping in prison individuals convicted of drug possession, the majority of whom have serious problems with drug addiction, is a waste of prison space and does nothing to reduce recidivism or help reintegration among this group.

Nationally, almost one in four prisoners (23.7 percent) is incarcerated for a non-violent drug offense – a conservative estimate considering it does not account for prisoners who are imprisoned for failing urine tests while on probation or parole for non-drug offenses.<sup>i</sup> The Texas statistic, meanwhile, is comparable; some 21.7 percent of Texas prisoners, which amounted to approximately 32,550 inmates, were incarcerated for non-violent drug offenses in 2005.<sup>ii</sup>

The Sunset Commission staff report for the 80<sup>th</sup> Legislature noted that in 2003 and 2004, the Texas Board of Pardons and Paroles (TBPP) released more high-risk, high-offense severity offenders than would have been released under the maximum guideline rate. The Sunset Commission report on TDCJ recommended that more low-risk offenders be placed on mandatory supervision, and it found that “TDCJ does not use its statutory authority” to accomplish this.<sup>iii</sup>

### **WHAT WOULD H.B. 3702 DO?**

H.B. 3702 would make individuals convicted of non-violent, low-level offenses – primarily offenses involving possession of small amounts of drugs – eligible for mandatory supervision. Individuals serving terms for the possession of small amounts of drugs like opiates, hallucinogens, codeine, cocaine, and marijuana, as well as individuals incarcerated for committing fraud, would also be able to qualify for release on mandatory supervision.

### **H.B. 3702 WOULD PUT MANY DRUG OFFENDERS ON THE PATH TO REHABILITATION AND RE-INTEGRATION AND FREE UP PRISON SPACE FOR MORE SERIOUS OFENDERS.**

Prison should be reserved for offenders who represent a danger to society. Someone who has already served several years in prison for drug possession is unlikely to benefit from several more years, especially since only 15 percent of Texas prisoners who need drug treatment receive it in prison. In addition, keeping drug addicts in prison for extended periods of time takes up space and exhausts other institutional resources, thereby perpetuating prison overcrowding.

Permitting small-time offenders convicted of drug possession to qualify for mandatory supervision would allow them to return to their communities and become responsible, self-reliant citizens. Passage and implementation of H.B. 3702 would be well complemented by the thousands of new treatment and intermediate sanctions beds funded in the current Appropriations bills in both chambers. Drug possession offenders paroled as a result of this bill could also be managed using these resources to effectively protect public safety and ensure that they are drug-free, productive citizens.

**H.B. 3702 WOULD ALLOW THE TEXAS BOARD OF PARDONS AND PAROLE MORE TIME TO FOCUS ON NECESSARY CASEWORK.**

The Sunset Commission determined that the TBPP spends just more than one minute reviewing each offender's file. This bill would allow them to spend more time reviewing the files of violent, sex, and property offenders, promoting better decision-making.

**MANDATORY SUPERVISION FOR INDIVIDUALS INCARCERATED FOR DRUG POSSESSION MAKES FISCAL SENSE.**

Some estimate that H.B. 3702 could result in the earlier release of 1,503 drug possession offenders, assuming that half of the non-violent offenders denied discretionary mandatory supervision are drug offenders (a third of which are assumed to be ineligible drug delivery offenders based on the ratio of possession to delivery offenders within TDCJ). The other half are property offenders, who would not be affected by this legislation.

In 2008, the release of 1,503 offenders would translate into \$27.1 million in incarceration savings, \$1.7 million in additional parole costs, and \$3.9 million in incarceration costs for the 14.3 percent of parolees who are revoked. Accordingly, estimated net operational savings in 2008 would be \$21.5 million.

Furthermore, freeing up 1,503 beds would help to ameliorate the purported need to build more prisons. Specifically, TDCJ requested \$420 million to construct 4,000 new prison beds. Based on this figure, this legislation would avoid \$157.8 million in new prison construction costs, plus hundreds of millions over the next decade to operate the new prisons.

I appreciate you giving me the opportunity to testify before this committee and to offer our organization's ideas about this important issue. I commend Rep. Miles for his efforts to develop pragmatic ways to reduce prison overcrowding and ensure the safety of Texas communities. We hope that this committee will approve his bill.

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<sup>i</sup> "Poor Prescription: The Costs of Imprisoning Drug Offenders in the United States," The Justice Policy Institute, 2000.

<sup>ii</sup> "How to Avert Another Texas Prison Crowding Crisis," by Marc Levin, Austin, Texas; Texas Public Policy Foundation, May 2006.

<sup>iii</sup> Texas Sunset Commission Staff Report on TDCJ to the 80<sup>th</sup> Legislature, available at [www.sunset.state.tx.us/80threports/tdcj/tdcj.pdf](http://www.sunset.state.tx.us/80threports/tdcj/tdcj.pdf).