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FACT SHEET

EXPAND JUDICIAL DISCRETION OVER ENDING EARLY INCARCERATION

ALLOWING JUDGES REMOVAL OF INMATES FROM INCARCERATION EARLY IN THEIR TERMS HAS WIDE BENEFITS FOR BOTH OFFENDER AND SOCIETY

WHAT DOES H.B. 927 DO?

This bill expands the period of continuing judicial discretion after an offender has been placed in a state institutional division. This period is extended from a maximum of 180 days to a maximum of 2 years. During this time, a judge may remove an individual from institutional supervision, suspend the remainder of his sentence, and place him under community supervision if s/he is otherwise eligible. An individual may only be so removed if he has not previously served time in incarceration for a felony offense.

H.B. 927 WILL ALLOW JUDGES TO PLACE INDIVIDUALS INTO BACKLOGGED TREATMENT AND COMMUNITY SUPERVISION PROGRAMS AS THEY BECOME AVAILABLE.

Many community supervision treatment resources have limited capacity to handle offenders; by allowing judges to temporarily place offenders in prison while awaiting the availability of treatment beds, they can prevent having to sentence offenders to full terms simply because resources are not available at the time of sentencing. These individuals will also have access to in-prison programs during this period, including SAFPs, In-Patient Treatment Centers, Windham ISD, and other resources that have been shown to reduce recidivism.

H.B. 927 WILL ALLOW JUDGES TO EMPLOY MORE FLEXIBLE “SHOCK INCARCERATION” TO REFORM FIRST-TIME OFFENDERS.

Because this probationary incarceration period would be reserved only for first-time inmates, judges could use it to “shock” them with the realities of serving hard time without having to expend needed beds and money incarcerating low-risk individuals for full terms.

H.B. 927 CAN CONTRIBUTE TO THE EARLY RELEASE OF NON-DANGEROUS INMATES, EASING PRISON OVERCROWDING AND SAVING MONEY.

Offenders incarcerated under judicial discretion have an incentive to engage in good behavior and to demonstrate rehabilitation. Judges can utilize their discretion and release those who do so and who they feel do not constitute a risk to public safety. By reducing the average sentence length of incarcerated offenders, this probationary incarceration can ease prison overcrowding to free up beds for dangerous offenders and save taxpayers’ money. Furthermore, by limiting these low-risk individuals to short terms of incarceration, judges can minimize the destructive impact caused by incarceration on offenders’ social networks (family members, employers, etc.) that act as a safety net for offenders once they return to their communities.

H.B. 927 IS NOT A “GET-OUT-OF-JAIL-FREE” PASS.

Because offenders would be sentenced to community supervision upon release, they would continue to be under the care and surveillance of the Department of Criminal Justice. This would not endanger public safety, and offenders who committed new crimes could be immediately revoked.