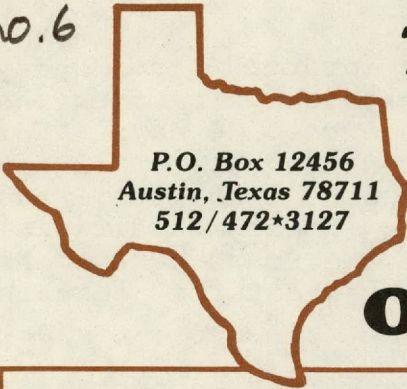


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TEXAS RESEARCH LEAGUE

BULLETIN

on Texas State Finance

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— Jared E. Hazleton, President

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A NEW PRISON EMERGENCY RELEASE PROGRAM

Faced with the prospect of fines totalling over \$24 million a month for non-compliance with the Ruiz federal court order, the 70th Texas Legislature enacted Senate Bill 215 which:

- * amends the Texas Prison Management Act to permit release of nonviolent inmates when the prison population exceeds 95% of capacity;
- * provides \$7.8 million to the Board of Pardons and Paroles to contract for 1,400 additional halfway house beds for the increased number of released felons, and
- * allocates \$12.6 million to the Texas Department of Corrections to implement court-ordered improvements in the prisons' health services.

Funding for the emergency release program and prison health services was appropriated from the State Highway Fund 006.

State officials hope the bill demonstrates a "good faith effort" to comply with the federal court order, staving off the impending fines. However, Senate Bill 215 authorizes and funds measures that provide only temporary relief to the latest prison overcrowding crisis.

Prison Management Act Amended

Senate Bill 215 amends the Texas Prison Management Act to increase control over the types of felons released in an emergency prison overcrowding situation and strengthens probation and parole supervision. Under the new provisions the governor may authorize the TDC director to grant additional good-time to two categories of pre-parole releasees - parole-eligible inmates and intensive supervision parolees.

Parole-eligible Inmates - Under the emergency release program, parole-eligible inmates are trustys serving a sentence of 10 years or less for a nonviolent offense (excluding aggravated possession and delivery of a controlled substance and certain categories of sexual

offenses). Initially, good time credit may be granted in 30 day increments -- depending on the number of releasees necessary to bring the prison population below 95% of capacity --but not to exceed 90 days. For the inmate awaiting parole, each 30 day good-time credit equals a 12-day reduction in required prison time. If overcrowding persists, the governor may authorize the director to grant eligible inmates additional good-time, not to exceed 120 days and/or authorize the Board of Pardons and Paroles to advance the parole eligibility and review date of certain inmates.

Intensive Supervision Parolees - Should the crisis situation continue, the governor may authorize the parole board to consider for early release to intensive supervision parole all trustys eligible for the program, but not yet eligible for parole. The parole board will prepare a list of scheduled releasees for the governor's review. The governor may only veto the release of intensive supervision parolees.

Halfway House Placements

All inmates granted additional good-time will be transferred "to the extent practicable" to a halfway house until their parole date. The average length of stay will be around 100 days. Though the BPP currently has 1,281 halfway house beds under contract, an additional 1,000 beds are slated for emergency program transferees. The parole board is currently taking bids to establish ten 100 bed facilities in or near major urban areas. Due to the exigency of the situation, a 36 day implementation timetable has been established for the pre-parole facilities.

Continuing Developments

The Code of Criminal Procedure, presently excludes certain eligible inmates from consideration for early release under SB 215. HB 51, passed by the House, eliminates the restrictions and if enacted should increase the pool of program-eligible inmates from 3,000 to approximately 10,000.

Funding for SB 215 is an emergency appropriation that expires August 31, 1987. However, the Corrections Subcommittee on Budget and Oversight, as well as the governor's office, recommended funding the pre-parole transfer program for the 1988-1989 biennium.

SB 215 provides local district courts with additional and stricter community-based probation options for defendants. However, emergency funding for the programs was inexplicably deleted during the legislative process.

Finally, by all accounts, the Ruiz federal court order was the primary catalyst for developing the pre-parole transfer program. State corrections officials now expect a motion from the inmates' attorneys to apply Ruiz standards to the halfway houses in the pre-parole transfer program.