

Allowing Texas Department of Criminal Justice to restore good conduct time

HB 44 by Hodge (Uresti)

DIGEST: HB 44 would have authorized the Texas Department of Criminal Justice (TDCJ) to restore to certain inmates' good conduct time forfeited due to an offense or a violation of agency rules. Inmates serving time for certain violent and serious offenses would not have been eligible.

**GOVERNOR'S
REASON FOR
VETO:**

"House Bill No. 44 would allow the Texas Department of Criminal Justice to restore forfeited good conduct time to an inmate while imprisoned. Current statute gives the department the discretion to forfeit all or part of an inmate's good conduct time credits if an inmate commits an offense or violates a department rule. That is sufficient discretion.

"Providing an additional discretionary opportunity does nothing to protect public safety. Indeed, this bill could endanger public safety by triggering early release of convicted felons who act out in prison."

RESPONSE:

Rep. Terri Hodge, the bill's author, said that she was extremely disappointed that Gov. Perry as governor of the state with the second largest prison population in the country chose to veto HB 44. "It is clear to me," she said, "that his lack of understanding on how the Texas prison system operates is diminished only by his shortsightedness on criminal justice policy.

"According to the governor's veto statement, it is clear he is not familiar with the policies that govern the Texas Department of Criminal Justice (TDCJ). HB 44 is permissive legislation that would have restored the only offender incentive tool used by wardens to better manage inmate behavior prior to 1995.

"Good time is not given; it is earned by offenders for good behavior, program participation, and work and education credits. Good time is used by staff to determine an offenders' time earning level, trustee status, job and housing assignments, initial parole eligibility date, and mandatory parole release for non-violent offenders.

"HB 44 would allow wardens the discretion to restore good conduct time to non-violent offenders who lost time due to a non-violent agency rule violation. The implementation of HB 44 would not have posed a danger to the public.

"It is very unfortunate Gov. Perry did not consider the safety of prison employees as well. Currently, there are approximately 150,000 violent and non-violent offenders in Texas prisons and a shortage of approximately 3,400 correctional officers. Restoration of an offender's good time during the annual 12-month review would create a safer work environment for prison staff, provide an incentive to improve and maintain good behavior, and would reduce the filing of offender's grievances, freeing clerical staff to assume other important duties, thus saving the Texas taxpayers millions of needed dollars for public education.

“The governor must allow our wardens to do the job we have hired them to do. HB 44 was a good step at reversing some of the draconian measures implemented in years past. We can no longer afford a simple ‘tough on crime’ mentality. We have to start being smart on crime. My colleagues in the Legislature overwhelmingly agreed with me. It’s unfortunate that the governor did not.”

Sen. Carlos Uresti, the Senate sponsor, said, “I am disappointed with Gov. Perry’s veto of House Bill 44 because the measure would have helped the state deal with overcrowding in its correctional facilities. Additionally, by giving TDCJ additional discretion to restore good time conduct credit, you equip the department with another tool they can use to instill order in our correctional facilities, and order is what ensures the safety of our guards.

“This bill passed the Texas Senate by a vote of 30 to 1 due to an act of compromise. Sen. Florence Shapiro’s amendment, which was adopted by unanimous consent, prohibited the restoration of good time conduct credit to those inmates serving sentences for offenses listed in Section 508.149(a) of the Government Code. Gov. Perry’s reasoning is faulty; the measure would not be applicable to the class of inmates that could ‘endanger public safety’ and it would not trigger the early release of felons. The early release of any felon can only be granted by the Board of Pardons and Paroles.”

NOTES: HB 44 was analyzed in Part One of the April 11 Daily Floor Report.