



## House Subcommittee on Appropriations for Articles I, IV, & V February 23, 2023

### **HB 1: General Appropriations Bill**

Article IV – The Judiciary, the Office of Court Administration

RE: Funding for the text-based court reminder system created by HB 4293 (87<sup>th</sup> (R))

Presented by Cole Meyer, Criminal Justice Policy Associate, Texas Appleseed

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### **Introduction**

Thank you to the Chair, Vice Chair, and sub-committee for convening today and taking time to discuss Articles I, IV, & V of the General Appropriations Bill, HB 1. My name is Cole Meyer, and I am a Policy Associate with Texas Appleseed's Criminal Justice Project. Our organization is dedicated to changing unjust laws and supporting policies that are data-driven, safe, and efficient.

Today, we will be providing testimony on Article IV of the state budget, more specifically the budget for the Office of Court Administration (OCA). We would like to discuss the value of and need for an increase in funding to support the state's text-based court reminder system that was created by HB 4293 in the 87<sup>th</sup> regular legislative session.

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### **Background**

Research shows that *any* type of court reminder be it via phone call,<sup>1</sup> postcard,<sup>2</sup> or text message<sup>3</sup>, improves court appearance rates. The latter being the most cost-effective, given its "simple-user benefits"<sup>4</sup> and low-cost delivery.<sup>5</sup> Last legislative session the state legislature recognized this, and passed HB 4293 – which created a statewide court reminder text messaging system to be operated and maintained by the OCA.

The benefit that courts across the state stand to gain from the use of this system, is significant. In New York City alone, courts handling low-level charges have experienced a 21% reduction in failure to appear rates due to implementing a text message reminder system.<sup>6</sup> Even higher reduction rates are seen when these reminders include more details. Including appearance details (e.g., date, time, and location with a map) is associated with a 23.5% reduction, and including consequences for failing to appear (e.g., additional fines/fees, warrant for arrest, potential jail time) is associated with a 26.1% reduction.<sup>7</sup>

Despite the good intentions behind HB 4293 (87<sup>th</sup> (R)), that piece of legislation was passed unfunded, and the current budget for the OCA under HB 1 for the next biennium does not include the monies needed to support the continued development and maintenance of the text message system.

Text message reminder systems are an effective way to improve court appearance rates while simultaneously promoting trust in the courts.<sup>8</sup> Funding text-based court reminders through the Office of Court Administration will allow equal access to text message reminders across counties regardless of their size or budget. As such, we are requesting that this sub-committee make the necessary adjustments in Article IV of the General Appropriations Bill to ensure that the text message reminder system is fully funded under the OCA.

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### **Conclusion**

The benefits that the state stands to gain from financially supporting the OCA's text messaging reminder system is threefold, (1) jail time due to forgotten court dates can be avoided; (2) court's administrative efficiency stands to improve as failure to appear rates are expected to decline; and (3) taxpayers stand to reap the financial benefits associated with a more cost-effective approach. We must allocate funding to a text message court reminder system so the positive and dynamic effects seen in other jurisdictions can also come to fruition in Texas. Thank you for your time and consideration. If you have any questions or concerns, please do not hesitate to contact me.

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## Resources & Endnotes

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<sup>1</sup> Ferri, R. (2020). *The benefits of live court date reminder phone calls during pretrial case processing*. *Journal of Experimental Criminology*, 18, 149-169.

<sup>2</sup> Bornstein, B. H., Tomkins, A. J., Neeley, E. M., Herian, M. N., & Hamm, J. A. (2013). *Reducing courts' failure-to-appear rate by written reminders*. *Psychology, Public Policy, and Law*, 19(1), 70.

<sup>3</sup> Fishbane, A., Ouss, A., & Shah, A. K. (2020). *Behavioral nudges reduce failure to appear for court*. *Science*, 370 (6517).

<sup>4</sup> Reid, F.J.M. & Reid, D.J. (2004). *Text appeal: The psychology of SMS texting and its implications for the design of mobile phone interfaces*. *Campus-Wide Information Systems*, 21(5), 196-200.

<sup>5</sup> Per the U.S. Postal Service, the cost for one domestic post card is 0.44¢, retrieved from <https://about.usps.com/newsroom/national-releases/2022/1007-usps-announces-new-prices-for-2023.htm> ; while a text message using a bulk text messaging service can be as low as 0.02¢ per message, retrieved from <https://www.forbes.com/advisor/business/software/best-mass-texting-services/> .

<sup>6</sup> Fishbane, A., Ouss, A., & Shah, A. K. (2020). *Behavioral nudges reduce failure to appear for court*. *Science*, 370 (6517).

<sup>7</sup> Ibid.

<sup>8</sup> Bornstein, B. H., Tomkins, A. J., Neeley, E. M., Herian, M. N., & Hamm, J. A. (2013). *Reducing courts' failure-to-appear rate by written reminders*. *Psychology, Public Policy, and Law*, 19(1), 70.