



HB 2646/SB 2296

FACT SHEET

2023 LEGISLATIVE SESSION

WHAT THE BILL DOES

HB 2646/SB 2296 aims to create a more effective pathway for incarcerated people to achieve financial stability upon being paroled. **This proposed change in statute would provide people paroled from Texas prisons a 180-day grace period before requiring them to pay on the fine(s) and fee(s) associated with their charge/case.** A plan for payment must be entered into before the 30th day post-release; and does not apply to any restitution ordered or the supervision fees associated with being paroled.

RESEARCH SUPPORTING POLICY CHANGE

When someone is released from prison, they are often tasked with finding stable housing, employment, and a means to provide for their basic needs. It is often difficult, if not impossible, for many to accomplish the foregoing goals while also trying to make payments on their legal financial obligations (LFOs). In Texas, these LFOs are routinely imposed for felony and misdemeanor charges. Texas law stipulates maximum fines and minimum fees, provides for over 100 distinct court costs and fees,¹ and charges \$15 if fees are not paid in full within 30 days of a judgment. Some examples of reimbursement fees include, but are not limited to:

- Reimbursement fees for peace officer services - for transportation or issuing a warrant or witness summons.²
- Time payment reimbursement fees – for late payment on fines/fees made after the 31st after the date on which a judgment was entered.³
- Reimbursement fees for pretrial intervention programs.⁴
- Fines for certain drug and Texas Controlled Substance Act convictions – fine of \$100 related to driver's license suspensions.⁵

On average, roughly 34,000 people are released on parole every year, that's 27% of the state's average annual prison population.⁶ More than 60% of women in state prisons and nearly 80% of those in jail who are, or generally will become, eligible for parole have children.⁷ Formerly incarcerated people are 10 times more likely to experience homelessness than people in the general public;⁸ and a national examination of the employment status among the formerly incarcerated found over 27% of this population to be unemployed.⁹ According to a study by the Bureau of Justice Statistics, 46% of state prisoners released in 2012 had been rearrested within 5 years.¹⁰ Though causes of recidivism are multi-faceted and complex, risk factors often include unemployment and unstable or non-existing housing.¹¹

Increasing successful reintegration is a common goal for all communities, but the foregoing statistics show these issues remain an ongoing and significant problem. **Part of the problem relates to the immediate obligation to pay fines and fees at a time when many newly released individuals are also trying to secure employment, find stable housing, and provide for their -- and their families' -- basic needs.** Recent polls show that 7 in 10 Texans believe that the system doesn't do enough to prepare those convicted of crimes to re-enter their communities.¹² HB 2646/SB 2296 aims to address just that.

RECOMMENDATION

Texas Appleseed recommends the Texas Legislature adopt and implement HB 2646/SB 2296 to allow for a grace period on the payment of fines and fees for people released on parole. Benefits of passing HB 2646/SB 2296 include:

- ✔ **Reductions in recidivism due to unemployment or housing.**
- ✔ **Increased compliance on payments surrounding one's charges/case.**
- ✔ **Successful reintegration and completion of community supervision post release.**

REFERENCES & ENDNOTES

¹ This estimate is from a 2016 report, since its publication Texas has repealed some fees (like the DNA testing fee) <https://www.monetarysanctions.org/wp-content/uploads/2017/04/Monetary-Sanctions-Legal-Review-Final.pdf>

² Vernon's Ann. Texas C.C.P. Art. 102.001 & 101.011

³ Vernon's Ann. Texas C.C.P. Art. 102.030

⁴ Vernon's Ann. Texas C.C.P. Art. 102.012 & 101.0121

⁵ Vernon's Ann. Texas C.C.P. Art. 102.0179

⁶ Texas Department of Criminal Justice. *Statistical Report(s) (FY17- FY21)*. Retrieved from https://www.tdcj.texas.gov/publications/statistical_reports.html

⁷ Equal Justice Initiative (January 2020). *Over-Incarceration of Mothers Takes Serious Toll on Children*. Retrieved from <https://eji.org/news/over0incarceration-of-mothers-takes-serious-toll-on-children/>

⁸ Couloute, L. (2018). Prison Policy Initiative, *Nowhere to Go: Homelessness among formerly incarcerated people*. Retrieved from

<https://www.prisonpolicy.org/reports/housing.html#:~:text=The%20revolving%20door%20%25%20homelessness&text=but%20people%20who%20have%20been,from%20their%20first%20prison%20term> ; National Low Income Housing Coalition.

(August 2018). *Formerly Incarcerated People are Nearly 10 Times More Likely to be Homeless*. Retrieved from <https://nlihc.org/resource/formerly-incarcerated-people-are-nearly-10-times-more-likely-be-homeless>

⁹ Barton, L.L. (September 2021). Harvard Business Review, *What is the DEI Doing for the Formerly Incarcerated*. Retrieved from <https://hbr.org/2021/09/what-is-dei-doing-for-the-formerly-incarcerated>

¹⁰ Durose, M. & Antenangeli, L., Bureau of Justice Statistics (July 2021). *Recidivism of Prisoners Release in 34 States in 2012: a 5-Year Follow-up Period (2012-2017)*. Retrieved from

https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/rpr34s125yfup1217.pdf?utm_content=rpr34s125yfup1217_tcdca21_tcus14st&utm_medium=email&utm_source=govdelivery

¹¹ Stephens, R. (April 2021). *Interrogating Justice, Homelessness After Reentry Leads to Higher Recidivism Rates*. Retrieved from <https://interrogatingjustice.org/challenges-after-release/homelessness-after-reentry-leads-to-higher-recidivism-rates/>

¹² Clean Slate Texas. *Texans' Support for Change*. Retrieved from

https://www.cleanslatetexas.org/files/ugd/e75ad9_56105b6cc5cc47efb961c0174fa12be2.pdf

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