



Brief: State Jail Felonies

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Key Points:

- 1. Punishment of crime is just, but must not be imposed for its own sake.**
- 2. State jails have very high recidivism rates (63%) which can be improved.**
- 3. We should uphold justice *and* help offenders reform their lives.**

A Catholic perspective: The Texas Catholic Conference of Bishops (TCCB) supports efforts to rehabilitate those who commit non-violent state jail felonies. According to Church teaching, a civil government’s response to crime should uphold justice by achieving four goals: rehabilitate the offender, protect society from the offender, deter future offences, and redress the disorder caused by the offense.^[1] As Catholics consider how to rehabilitate offenders, it is helpful to read a homily which St. John Paul II delivered to inmates, in which he explained that Christ was both a prisoner and a lawgiver:

Dear brothers and sisters, Jesus Christ – the prisoner – appears before us who are gathered here: “I was in prison and you came to me” (Mt. 25: 36). He is asking to be found in you and in so many other people touched by various forms of human suffering.... At the center of this Jubilee [year of mercy] there is Christ, the prisoner; at the same time there is Christ the lawgiver. It is Christ who establishes the law, proclaims it and strengthens it. However, he does this not with arrogance, but with meekness and love. He heals what is sick, strengthens what is bruised. Where a faint flame of goodness still burns, he revives it with the breath of his love. He forcefully proclaims justice and heals wounds with the balm of mercy.^[2]

Punishment has meaning if, while maintaining the demands of justice and discouraging crime, it serves the rehabilitation of the individual offender by offering an opportunity to reflect and to change one’s life. Therefore, the TCCB supports efforts to rehabilitate those who commit non-violent state jail felonies, especially by providing for educational and vocational training in order to help them live virtuous lives and contribute to the common good of Texas.

Texas law and policy: State jails were created in 1993 to incarcerate Texas’ lowest-level felony offenses.^[3] By December 2018, the system of 15 jails incarcerated 7,146 individuals.^[4] Figure 1 summarizes the top 10 offenses of record for the state jail population; the average time in a state jail is 6 months.^[5]

Figure 1: Top 10 offenses of record for those incarcerated in state jails (FY 2017)

Offense	Number	Percent
Drug Possession	2,965	37.7%
Larceny	1,894	24.1%
Burglary	579	7.4%
Stolen Vehicle	460	5.8%
Fraud	445	5.7%
Forgery	326	4.1%
Evading Arrest	242	3.1%
Drug Delivery	182	2.3%
DWI	173	2.2%
Family Offense	117	1.5%

Source: TDCJ, FY 2017 Statistical Report

While the leading offence of record is drug possession, state jails provide little or no treatment and no post-release supervision.^[6] This contributes to released offenders having the highest recidivism rates in Texas' state corrections system: 63 percent are re-arrested within three years.^[7] In contrast, offenders who complete treatment are up to 60 percent less likely to relapse or commit another crime, and 40 percent more likely to find employment.^[8]

Diversion from state jail is impeded by the use of *pretrial* incarceration, a defendant's prior incarceration, and the cost of probation.^[9] These three issues are barriers to pretrial intervention, treatment, deferred adjudication community supervision, and placement in drug courts.

To improve rehabilitation of state jail offenders, Texas legislators should provide for pre-trial intervention funding, encourage performance-based pay, and reform sentencing requirements:

1. Pretrial intervention funding should be provided for felonies and certain misdemeanors at the same rate as traditional probation. In addition, the Community Justice Assistance Division (CJAD) should

be allowed to provide diversion funding to a community supervision and corrections department, government, or municipality.

2. CJAD should be required to prioritize funding for programs which: establish pretrial intervention programs, rapidly place individuals into pretrial intervention programs after arrest, minimize the duration of pretrial incarceration, and minimize the wait for pretrial intervention.
3. A third-degree felony drug possession should be reduced to a state jail felony. Moreover, the three-strikes theft law should be revised to a step-up penalty enhancement law.

Call to action: To support reform of the state jail system in the Texas legislature, please visit txcatholic.org/justice to find and contact your lawmaker. Please also pray for Texas and for our legislators, that they may maintain just laws which console the suffering and rehabilitate offenders.

The TCCB is a federation of all Roman Catholic dioceses and ordinariates in Texas. There are 8 million Catholics living in our state. To contact us, call our office at 512-339-9882 or find TXCatholic on [Facebook](#) and [Twitter](#).

Endnotes

1. Catechism #2265-2266.
2. St. John Paull II, *Jubilee in prisons: Sunday homily on July 9, 2000*.
3. 73 RS [SB 1067](#) (1993).
4. Texas Department of Criminal Justice, *List of Secure Facilities*; Texas Commission on Jail Standards, *Abbreviated Current Population Report*. (Dec. 1, 2018)
5. Texas Department of Criminal Justice, *FY 2017 Statistical Report*. 9; Texas Criminal Justice Coalition, *A Failure in the Fourth Degree: Reforming the State Jail Felony System in Texas*. (Oct. 16, 2018) 3 n. 10.
6. Ibid. 2.
7. Legislative Budget Board, *Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates*. (Jan. 2019) 2.
8. National Institute on Drug Abuse, *Understanding Drug Abuse and Addiction*. (February 2016) 29.
9. *A Failure in the Fourth Degree*. 6-11. Cf. TCCB, Brief: Pretrial incarceration.