

May 1, 2017

Criminal Jurisprudence Committee
Texas House of Representatives
100 Congress Ave
Austin, TX 78701

RE: House Bill 130

Dear Chairman Moody, Vice Chairman Todd and members of the Criminal Jurisprudence Committee:

As leaders of the Texas law enforcement community, we write to express our support for amending H.B. 130 to adopt the language and changes proposed by H.B. 2398 (The S.M.A.R.T Act). Our years of experience have shown us that targeted criminal laws are critical to enhance public safety. We are in strong support of these proposed changes and believe they will accomplish this goal. We appreciate your consideration and attention to the critical criminal justice issues facing our state.

First and foremost, our obligation as law enforcement is to protect public safety. We have dedicated our careers to fighting crime and have seen firsthand the toll lawbreaking takes on communities. We do not hesitate to lock up and punish violent individuals who threaten the safety of Texans. However, we have learned much during our tenures about how to best protect the public. Public safety does not come from locking up every offender. Rather, it comes from smart, targeted policies that lock up the *right* offenders.

Too often our prisons and jail resources are focused on incarcerating non-violent offenders struggling with addiction or mental health issues. Despite substantial reforms and improvements to our criminal justice system in recent years, Texas still has the seventh highest incarceration rate in the nation. In FY 2015, nearly 30 percent of offenders were admitted for a drug offense – 80 percent of that group for drug possession.ⁱ

There is no question that illicit drug use takes a toll on our communities. However, law enforcement is not equipped to be addiction professionals and our prisons and jails are ill-suited treatment centers. As a result, when these people are released they are, at best, no better off than when they went in. For those with a felony conviction, they are worse off, now facing the difficulty of finding employment and housing and diminished educational opportunities. This increases the likelihood they will return to prison, wasting resources and diverting law enforcement from focusing on violent offenders, making us all less safe.

We believe that the reforms originally proposed by H.B 2398 would be a significant step towards reducing crime and unnecessary incarceration in our state. By reducing penalties for drug possession, the proposed changes will rightly target the harshest punishment to the most serious drug offenders. It would also reinvest those savings into expanding alternatives to incarceration – helping law enforcement divert people more effectively treated outside the prison system. Finally, it will reduce recidivism by preventing the unnecessarily felonization of people struggling with addiction.

To be sure, serious and dangerous drug traffickers belong behind bars. We know from experience that this is best achieved through targeted approaches that prioritize aggressively finding and punishing high-level trafficker while diverting those struggling with addiction into treatment. We believe the proposed reforms would do this and improve the safety of our communities. For this reason, we strongly encourage the Committee to amend H.B. 130 to match the changes proposed by H.B. 2398, and to vote out of Committee with a favorable report.

We are grateful for your attention to this critical issue facing our state. We look forward to continuing to work with you to strengthen our justice system and make Texas safer.

Respectfully yours,

Gregory Hamilton
Former Sheriff, Travis County, Texas

Charles McClelland
Former Police Chief, Houston, Texas

ⁱ See TEXAS DEP'T OF CRIMINAL JUSTICE STATISTICAL REPORT FISCAL YEAR 2015 26 (2015), https://www.tdcj.state.tx.us/documents/Statistical_Report_FY2015.pdf.