



## Guiding “Smart-on-Crime” Legislation through the Texas Bill-Birthing Process

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*Abstract: The Texas Criminal Justice Coalition (TCJC) located in Austin, Texas, is a nonprofit working toward developing and implementing real solutions in the Texas juvenile and criminal justice system. In 2013, TCJC was able to push 50 smart-on-crime policies into law by working with representatives, senators, legislative staffers, practitioners, advocates, and others.*

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<sup>5</sup> Ana Yáñez-Correa earned a Bachelor of Science in Criminal Justice and a Master’s Degree in Public Administration; she also holds a Ph.D. in Policy and Planning in Education Administration. Ana has served as the Executive Director of TCJC since 2005 and was formally honored in 2007 by the Texas House of Representatives and Texas Senate for her work and the work of TCJC in finding real solutions for the criminal justice system.

<sup>6</sup> Amir Tavakkoli is a law school student at Texas Southern University/Thurgood Marshall School of Law in Houston, Texas. He graduated with honors from the University of Houston with a dual degree in Political Science and Sociology. Amir’s past experience includes working for the Harris County District Attorney’s Office; Office of Congressman Al Green in Washington, D.C.; Office of Texas State Representative Garnet Coleman; the Houston Bar Association; and the 125<sup>th</sup> Civil Court in Harris County with Judge Kyle Carter.

<sup>7</sup> Maria Rooijakkers graduated with the highest distinction from Purdue University in 2012. She graduated with an honors degree in Liberal Arts and double-majored in Honors Anthropology and Honors Sociology. She is currently studying criminal justice in the SPEA department at IUPUI. She accepted a graduate assistantship from SPEA IUPUI and currently serves as the President of the Public Affairs Student Association.

The Texas Criminal Justice Coalition (TCJC) is a 501(c)(3) nonprofit organization based in Austin, Texas, that aims to advance policy solutions for criminal justice issues. Prior to becoming an independent organization, TCJC was part of ProTex, an organization geared toward coordinating a broad range of advocacy efforts across Texas. TCJC's initial role was to bring together criminal justice interest groups and to support their collective efforts through strategic planning, networking, and organizing. In 2004, ProTex closed and TCJC took over the nonprofit status and assumed a more active role in the Texas policy landscape by developing policy research, advocacy, and public education campaigns with the goal of advancing solutions to juvenile and criminal justice issues.



The role TCJC plays comes at an important time in the history of Texas. Known as a “tough-on-crime” state, Texas currently houses the largest population of incarcerated individuals in the country. This is in large part due to poor policies that disproportionately target individuals with substance abuse and mental health problems, individuals of color, and the economically disadvantaged. With few resources available to these populations, they are more likely to be sentenced to prison and to recidivate after reentering society. TCJC

aims to address these juvenile and criminal justice issues and many related ones to create accountability, transparency, safety, efficiency, and cost savings for the system. One important avenue in which TCJC addresses these issues is through advocacy during Texas legislative sessions.

During the 2013 legislative session, in working with representatives, senators, legislative staffers, practitioners, advocates, and others, TCJC was able to push for 50 smart-on-crime policies to become law.<sup>8</sup> These policy efforts mirror TCJC's projects:

- **Solutions for Youth Justice** to ensure that the needs of youth are addressed with effective, age-appropriate strategies, that they are placed in safe settings and/or supervised by well-trained personnel, and that they are provided the tools to become successful members of our communities
  
- **Solutions for Pretrial, Defense, and Innocence** to increase individuals' access to pretrial services, which reduces costly and often unnecessary jail overcrowding by defendants awaiting trial, to improve access to meaningful indigent defense

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<sup>8</sup> For more information on the bills that were passed in 2013 see:

<http://www.texascjc.org/sites/default/files/uploads/2013%20Legislative%20Wrap%20Up.pdf>

representation through increased state funding and system accountability, and to promote best practices that will reduce wrongful convictions

- **Solutions for Safely Reducing Incarceration** to advance proven and cost-efficient strategies, such as diversion programs that provide supervision as needed and treatment that works, and to improve effective sentencing that more appropriately fits the crime
- **Solutions for Confinement and Reentry** to ensure that individuals have access to pre- and post-release rehabilitative programs and services, effective post-release supervision, and assistance finding employment and other necessities, which will help them live successfully in Texas communities.

The process of taking an idea or interest and making it a law is not an easy one as the legislative process is set up to reject more bills than it passes.<sup>9</sup> The long journey starts when constituents show concern for a specific area of interest or topic. Those wanting to influence public policy, including constituents, should conduct thorough research on the matter to improve their chances of persuading their elected officials to address their concerns or support their ideas. In Texas, legislators collect constituent concerns, solicit information, conduct research, and draft bill language during the interim between legislative sessions. The Texas Legislature, unlike most other states, is only in session for approximately six months in odd-numbered years. Although a bill may be pre-filed in the November prior to legislative session, the regular session convenes in January and adjourns after only 140 days. Once the bill introduced in the House or the Senate, it is numbered, read for the first time, and then referred to a committee. The committee chair decides if, and when, a bill will have a hearing. While many bills get a committee hearing open to public testimony, and some of those are referred out of the committee for consideration by the House or Senate floor, the majority of bills simply do not gain the necessary momentum and are left pending in committee, thus dying at the end of session.

The process of bills getting out of the committee to potentially be voted on by the House or the Senate is quite complex. Often, to get a favorable vote, parties on different sides of the bill must work together and compromise to come up with an amended version of the bill, thus giving it the highest possibility of success. If the bill receives a favorable vote out of its assigned committee, it goes to the Calendars Committee, which would then decide when, or even if, the bill should be placed on the House or Senate floor for consideration. Objections to a bill may keep it pending and the bill may never get a vote. Organizations, such as TCJC, monitor all stages of this process and may provide research and relevant data as needed to support legislators or their staff in developing solutions to improve chances that relevant legislation might survive.

Each bill must have three readings in the full chamber of the House and the Senate with opportunities for debate and amendment. The Texas Legislature is bi-cameral and requires

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<sup>9</sup> According to the Legislative Reference Library of Texas, only about 20 percent of filed bills pass each session.

agreement of exact bill language and passage by both the House and the Senate for legislation to be enrolled; thus requiring the same process in both chambers. If any amendments are made to the bill in one chamber, the new version of the bill must be returned to the other chamber for reconciliation. After the long and complex process to pass a bill through both legislative chambers, the governor has the right to veto a bill. For example, House Bill (HB) 1790, a key bill during the 2013 session, was vetoed by Governor Rick Perry. HB 1790 authorized a judge to reduce a person's state jail offense – provided the offense was not violent or sexually based – to a Class A misdemeanor after the person successfully completed all supervision, victim restitution, treatment, and other requirements set by the judge. Prior to modifying the record of conviction, the bill required the judge to obtain the consent of the district attorney, and modification of the record must have been shown to be in the best interests of justice. HB 1790 incentivized a probation term, which is more effective — as well as being 31 times less expensive per day — than a state jail term. Also, individuals have little if any access to treatment and program options in jails. Had the bill become law, it would have reduced the likelihood of a felony conviction on an individual's record, thereby increasing a person's access to employment, housing, and other critical tools for personal responsibility.

During the interim (when the Texas Legislature is not in session), TCJC works with peers, policymakers, practitioners, and community members to identify areas of improvement, conduct research, and provide public education materials on important issues in the criminal and youth justice arenas.

### **Intern Experiences**

Amir Tavakkoli spent the spring and summer of 2013 actively involved in many projects at TCJC. He has used his legal background to participate in extensive research and writing. From giving oral and written testimony to both chambers of the Texas Legislature on important criminal justice bills, to participating in detailed discussions with advocates and practitioners about solutions to criminal justice issues, Amir has learned and grown both professionally and personally. Not only does TCJC offer great involvement in Texas politics, its friendly environment has motivated him to come to work and work passionately. TCJC is an organization where people are friendly and get the job done on a daily basis.

Maria Rooijackers spent the summer of 2013 interning for TCJC. She was given two research projects for the next legislative session in Texas. The first project was aimed at exploring housing barriers for individuals and making recommendations on how to address them. As part of the project, Maria had the opportunity to speak with local groups about some of the current models used in addressing these barriers. Furthermore, she was able to visit a Salvation Army site to interview homeless individuals on their experiences in finding housing. The second project concerned victim support services in Texas. Since the criminal justice system focuses primarily on punishing individuals for their wrongs against the state, victims often lose their voices and feel neglected. The main goal of this project was to research ways that the needs of

victims, communities, and those individuals who committed the crime could be met through restorative justice. This project gave Maria a new perspective on criminal justice approaches.

### **TCJC's Executive Director**

Ana Yáñez-Correa started at TCJC in 2005 as the Project Director for the Solutions for Sentencing & Incarceration Project, which focused on promoting proven, pro-family criminal justice policies that save taxpayers money and improve the safety of Texas communities. In late 2005, she became the Executive Director of TCJC. In this role, she has successfully fostered relationships among a wide range of coalition partners, criminal justice practitioners, law enforcement groups, civil rights organizations, and other community members, allowing TCJC to promote policies that serve all facets of society. One of her greatest accomplishments as Executive Director includes receiving an honor from the Texas House of Representatives and Texas Senate in 2007. Also, during the 2009, 2011, and 2013 legislative sessions, Ana has been instrumental in educating and organizing key stakeholders about the importance of adopting policies on fair defense, prison diversion, probation and parole reform, reentry, and overall criminal and juvenile justice efficiency.

**Acknowledgments:** As part of the TCJC team, want to thank the representatives, senators, legislative staffers, practitioners, advocates, and TCJC staff and board members who have continued to prove their commitment to reducing over-reliance on incarceration, promoting best justice practices, increasing accountability, saving taxpayer dollars, and creating safer communities.

To learn more about TCJC, go to [www.TexasCJC.org](http://www.TexasCJC.org) where you can also follow us on Facebook, Twitter, and sign up to receive our monthly E-Alerts.