



Texas Appleseed 2017 Legislative Priorities

CRIMINAL JUSTICE REFORM

End Jail Time for Unpaid Fines in Texas

Too often, traffic tickets and fines in other low-level misdemeanor cases derail low-income Texans' lives, sending them into a cycle of debt that is difficult to escape. When people are unable to pay their fines and court costs, they face suspensions of their driver's licenses and holds on their vehicle registrations, leading to more tickets and fines. They also face warrants for their arrest – thousands of Texans spend time in jail each year for offenses that should only be punished by a fine. Texas Appleseed supports legislation that would end the jailing of individuals for nonpayment of fines, as well as expand the options that are available to low-income individuals to resolve the fines and fees that they owe.

Reform Pretrial Detention So Low-Risk Texans Do Not Languish in Jail

Texas' jails are full of people who have not been convicted of any crime, but who are awaiting trial, costing the counties an estimated \$905 million annually. The current system for making pretrial release decisions leads to individuals being detained primarily based on whether they have enough money to afford bail; low-income individuals remain in jail before trial regardless of risk level, while higher income defendants who can afford bond go free. Texas Appleseed supports legislation to reform pretrial detention decisions, so that release decisions are based on risk level rather than money. By assessing each defendant's risk level and expanding the use of personal bonds, courts can make informed decisions about who should be released and avoid unnecessary pretrial detention of low-risk individuals.

CHILDREN & YOUTH

Eliminate Classroom Removals for Young Students

Data show that Texas students as young as 4 years old are being suspended from class. As a result, these young students miss important classroom learning time, risk being labeled by peers and teachers, and may be sent home to the very conditions that are contributing to behavioral challenges in the classroom. Texas Appleseed supports legislation that eliminates the use of classroom removals that are not required by state law for Texas' youngest students.

Raise the Age of Juvenile Court Jurisdiction to 17

Currently, all 17-year-olds are sent to the adult criminal justice system in Texas, regardless of the crime committed. Research tells us that these youth would be better served by the juvenile justice system, where they could receive education and services more likely to result in rehabilitation. Texas Appleseed supports legislation that would keep 17-year-olds in the juvenile justice system and out of adult jails and prisons.

Improve School Policing Practices

Texas Appleseed continues to support measures to improve school police training and data collection. Following the passage of House Bill 2684 in 2015, police officers in all school districts in Texas with more than 30,000 students are required to have at least 16 hours of youth-focused training. Unfortunately, the law does not require training for officers in small- and medium-sized

districts. Further, there are no laws in Texas that require the collection and publication of data related to school-based arrests, use of force incidents, and citations/complaints. Students in Texas schools are restrained, come into contact with Tasers and pepper spray, and are sent to court, all without required disclosure to the public.

The Texas Legislature should expand the youth-focused training requirements of HB 2684 so that they apply to officers who interact with students in all school districts in Texas. The legislature should also task the Texas Judicial Council with developing a data collection system that will require school district police departments, local police departments that assign or send their officers to schools, and courts to collect and report data related to school-based arrests, use of force incidents, and court contact. Finally, the legislature should encourage investment in high-quality counselors and other mental health professionals in schools by establishing a ratio of school-based counselors and other mental health professionals to school-based law enforcement officers.

Eliminate Criminal Convictions and Fines for Juvenile Class C Misdemeanors

While the number of Class C charges filed against juveniles has dropped dramatically in the wake of 2013 reforms that eliminated ticketing of schoolchildren for minor misbehavior, for the more than 60,000 youth who are charged, the consequences are still severe. A Class C conviction results in high fines and a criminal record that can haunt youth well into adulthood, posing a barrier to college, housing and jobs. Texas should do for these remaining Class Cs what was done for truancy last session, so that the process more closely mirrors what young people experience when they are charged with higher level offenses in the juvenile system.

Increase Supports for Homeless Youth

Youth lacking a safe, secure, and stable place to live impacts their health and schooling, and can result in long-lasting negative outcomes. Texas Appleseed wants to ensure that lawmakers are aware of the systemic failures that push youth into homelessness and the services and supports youth need to get off the streets. Texas Appleseed will help fill these knowledge gaps about this important population by publishing a Homeless Youth policy report and providing general education and outreach to policymakers surrounding youth homelessness in Texas.

FAIR FINANCIAL SERVICES

Rein in Abusive Payday and Auto Title Lending Practices in Texas

Texas is one of only a handful of states with no cap on payday and auto title loan fees or refinances (rollovers). Because of the high cost and structure of the loans, too many borrowers are unable to pay off the loan principal, becoming mired in an ongoing cycle of debt. The result is a huge financial drain. In 2012-15, churches and nonprofits coming to the aid of borrowers, along with Texas families, collectively paid payday and auto title businesses \$5.9 billion in fees alone. Texas Appleseed supports adopting into state law the unified local ordinance, passed in 40 Texas cities, which ensures fair practices in the market. The ordinance limits the size of the loan based on borrower income, requires paying down the principal by 25 percent with every payment, and limits each loan to a total of four payments, ensuring that the loans are, in fact, short term. We also support rate and fee caps as a simple way to ensure fair loans, as well as measures that shield consumers from wrongful threats of criminal prosecution to collect on these loans.

Enhance Protections in Texas Law to Better Identify, Prevent and Prosecute

Elder Financial Abuse

When someone is no longer able to manage their own money or property due to age, illness or another factor, they hope that they have entrusted their money to someone who is financially responsible and ethical. But, we know that abuse and exploitation occurs. Texas Appleseed

supports creating better systems for financial service providers to report and, where appropriate, temporarily hold funds in instances that appear to be financial abuse. We also advocate for training on identifying financial abuse for employees at financial institutions, money transmitters, and securities firms. In addition, Texas Appleseed supports implementing a data reporting process to assess areas where current standards need to be improved so that vulnerable populations in Texas are effectively protected against financial abuse.

COURTS & DUE PROCESS

Eliminate the Practice of Civil Asset Forfeiture

Texas law enforcement agents seize millions of dollars every year during traffic stops, simply by asserting that they believe the property is connected to illegal activity. This often occurs without the agency pursuing corresponding criminal charges against the property owner, which should form the basis of the forfeiture. Law enforcement agencies are entitled under Texas law to keep the proceeds from the property they seize. We have seen heartbreaking stories of people stopped for minor infractions like using the left lane on a highway without passing, and then having their assets seized unless they have the time and resources to prove that their money or belongings were not involved in criminal activity. Texas Appleseed supports eliminating the practice of civil asset forfeiture by converting it to criminal asset forfeiture, which would provide greater protections for innocent property owners.

Improve Access to Self-Help Resources for Pro-Se Litigants

Texans without an attorney to represent them are often at a disadvantage during the legal process. Research shows few resources exist for pro-se litigants in Texas, and where there is information, it is inconsistent and difficult to access. To help improve the justice system, Texas Appleseed advocates that court websites must have links to self-help resources, including those designated by the Office of Court Administration as well as links to the State Bar's Lawyer Referral and Information Service, any legal aid or pro bono organizations serving that county, and any court-affiliated self-help center serving that county.

ABOUT US

Texas Appleseed is a public interest justice center. Our nonprofit works to change unjust laws and policies that prevent Texans from realizing their full potential. We conduct data-driven research that uncovers inequity in laws and policies and identify solutions for lasting, concrete change. Stay updated on our work during session here:

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