



HB 3695

FACT SHEET

2023 LEGISLATIVE SESSION

WHAT THE BILL DOES

HB 3695 aims to remove the county restriction associated with law enforcement's authority to issue a citation and summons for specific low-level and fine-only misdemeanors. This change in policy would permit law enforcement officers across the state to issue a citation and summons, in lieu of an arrest, for certain low-level non-violent charges, regardless of a Texan's county of residency.¹

RESEARCH SUPPORTING POLICY CHANGE

In 2007, the Texas Legislature amended the state Criminal Code to allow law enforcement to issue citations and release on certain Class A and B misdemeanor charges, rather than place individuals under arrest.² These offenses include possession of four ounces or less of real or synthetic marijuana, theft of property or service, graffiti, possession of contraband in a correctional facility, and driving without a valid license.³ Counties and municipalities may opt to cite-and-release for these offenses, but are not required to do so. **Disqualifying circumstances for cite-and-release include** lack of suitable identification; **being a nonresident of the county in which the person was stopped**; having existing warrants; or commission of another, non-eligible offense.⁴ Officers have discretion to arrest for other reasons as well, such as safety and lack of cooperation.

Issuing citations, rather than making an arrest, especially for low-level, non-violent offenses is crucial to reforming the criminal justice system. Cite-and-release policies reduce unnecessary exposure to detention and allow law enforcement to spend time addressing more serious and violent crimes, rather than booking individuals for minor offenses. The practice of issuing citations can also relieve pressure on overcrowded jails. Although arrests for low-level offenses usually do not result in more than a few days in jail, arrests are also very frequent in some jurisdictions facing extreme challenges in jail capacity.⁵ Additionally, **over 40% of those employed in the six counties containing the most populous cities in Texas reside in a different county than the one in which they work.**⁶ This means that **over 2.8 million Texans would be ineligible for cite-and-release** merely because they were stopped in the county where they are employed.

Policing agencies were initially slow to adopt cite-and-release policies, but the practice has gained support in recent years, especially with the increased interest in public safety reform and public health concerns arising from the pandemic. **Where it has been implemented, cite-and-release has been recognized as saving taxpayer money, law enforcement resources, and alleviating unnecessary contact with the criminal justice system.**⁷ In Bexar County, cite-and-release was implemented in July 2019 and expanded in response to the dangerous spread of COVID-19 in jails. Bexar County's program has successfully kept over 6,200 people out of jail since its implementation.⁸ In addition to the health and social benefits of keeping people charged with minor offenses out of jail, the program has saved Bexar County taxpayers an estimated \$4.7 million in booking costs, roughly \$1.6 million in savings per year the program has been in place.⁹

Cite-and-release is an important and underutilized step forward in reforming our criminal justice system. By removing the county restriction currently in place, we can ensure that Texans are not jailed for citation-eligible

offenses merely because they commute between counties for work; and that the resources expended on booking and detaining those who live in a nearby or adjacent county are reserved for more serious and violent crimes.

RECOMMENDATION

Texas Appleseed recommends the Texas Legislature adopt and implement HB 3695, which would remove the county restriction associated with law enforcement's authority to issue a citation and summons for certain low-level and fine-only misdemeanors. Benefits of passing HB 3695 include:

- ✔ **Allowing law enforcement to spend time addressing more serious and violent crimes.**
- ✔ **Reducing unnecessary exposure to pretrial detention, which has been shown to result in job loss, harsher penalties, and continued criminal activity.**
- ✔ **Reducing recidivism by managing low-risk, non-violent in the community rather than through the carceral system.**
- ✔ **Saving taxpayer dollars that would otherwise be associated with pretrial detention.**

REFERENCES & ENDNOTES

¹ Texas Code of Criminal Procedure, Ch. 14, Article 14.06, Subsection (c-d).

² Texas Code of Criminal Procedure, Chapter 14, Article 14.06, Subsections (a-d).

³ Texas Code of Criminal Procedure, Chapter 14, Article 14.06, Subsection (d).

⁴ Texas Code of Criminal Procedure, Chapter 14, Article 14.06, Subsection (c).

⁵ Murney, M. (September 9, 2022). As Dallas County Jail population grows, felony judges push back against commissioners' criticisms. Kera News: News for North Texas. Retrieved from

<https://www.keranews.org/government/2022-09-09/as-dallas-county-jail-population-grows-felony-judges-push-back-against-commissioners-criticisms>; Thorn, C. (September 1, 2022). Tarrant County to spend \$18million to house prisoners in Garza County. Community Impact. Retrieved from <https://communityimpact.com/dallas-fort-worth/keller-roanoke-northeast-fort-worth/city-county/2022/08/31/tarrant-county-to-spend-18-million-to-house-prisoners-in-garza-county/>;

Murney, M. (September 9, 2022). State gives Harris County jail 30 days to fix overcrowding problems. The Houston Chronicle. Retrieved from <https://communityimpact.com/dallas-fort-worth/keller-roanoke-northeast-fort-worth/city-county/2022/08/31/tarrant-county-to-spend-18-million-to-house-prisoners-in-garza-county/>.

⁶ US Census Bureau. (n.d.). *US Census - Commuting Data*. OnTheMap. Retrieved August 2, 2022, from <https://onthemap.ces.census.gov/>

⁷ Selcraig, B. (2020, December 13). *Bexar DA says 'cite-and-release' for petty crimes is working well*. San Antonio Express-News. Retrieved August 2, 2022, from <https://www.expressnews.com/news/local/article/Bexar-DA-says-cite-and-release-for-petty-15796086.php>

⁸ Bexar County District Attorney, Cite and Release. Retrieved August 17, 2022, from <https://www.bexar.org/3322/Cite-Release/>.

⁹ Ibid.



Contact Information:

Akanksha Balekai
Policy Analyst, CJ Project
abalekai@texasappleseed.org
737.900.9436(cell)
www.TexasAppleseed.org

Dr. Jennifer Carreon
Director, CJ Project
jcarreon@texasappleseed.org
737.900.9442 (cell)