

SUBJECT: Prohibiting probation conditions that restrict contact with certain persons

COMMITTEE: Corrections — committee substitute recommended

VOTE: 8 ayes — Murr, Allen, Bailes, Burrows, Martinez Fischer, Rodriguez, Sherman, White

1 nay — Slaton

WITNESSES: For — Jorge Renaud, Latino Justice PRLDEF; Matthew Lovitt, National Alliance on Mental Illness-Texas; Dawn Freeman, ReGen Hope Initiative Inc.; Douglas Smith, Texas Criminal Justice Coalition; Kathryn Griffin; (*Registered, but did not testify*: Greg Hansch, National Alliance on Mental Illness-Texas; Mary Molnar, Texas Voices for Reason and Justice; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Carey Green, Texas Department of Criminal Justice)

DIGEST: CSHB 787 would prohibit judges from establishing certain conditions of community supervision (probation) that would prohibit defendants from contacting or interacting with persons involved in specified types of community, training, and advocacy organizations outlined in the bill. Judges could not prohibit probationers from interacting with someone who belonged to an organization that included persons who had criminal histories and who engaged in activities that the director of the probation department determined included:

- working with community members to address criminal justice issues;
- offering training and programs to assist formerly incarcerated persons; and
- advocating for criminal justice reform, including by engaging with state and local policy makers.

The bill would take effect September 1, 2021, and would apply to defendants placed on community supervision on or after that date.

**SUPPORTERS  
SAY:**

CSHB 787 would ensure that judges did not issue overly broad prohibitions on the activities of probationers that could prevent probationers from meaningful, rehabilitative interactions with others who were or are involved with the criminal justice system and have had similar experiences.

Many worthwhile programs, organizations, and activities include individuals with criminal histories and can offer vital services and support to help probationers rehabilitate and become successful members of the community. For example, peer support programs can help probationers by providing support from someone with similar experiences, and community based organizations advocating criminal justice issues may include individuals who have been justice-involved. Denying probationers the chance to be a part of these organizations can deny them an opportunity to be around positive role models and learn valuable skills.

The bill would recognize the value of community and apply to organizations that could offer probationers positive experiences, and probation department directors would have a role in determining what organizations met the conditions of the bill. While judges could not issue broad prohibitions on certain groups, they would retain discretion to set conditions of probation.

**CRITICS  
SAY:**

CSHB 787 could limit judges' discretion to craft conditions of probation that were specific to an individual probationer. Currently, probationers subject to a prohibition that interferes with their chances to obtain services or support from an organization or to participate in a meaningful activity could consult with their probation officer, who could ask a judge to alter the terms of probation.