HB 4486
FACT SHEET
2023 LEGISLATIVE SESSION

WHAT THE BILL DOES

HB 4486 seeks to establish a model citation for use by law enforcement agencies across the state. A *citation* is defined as any "summons, ticket, or other official document that is issued to a person by a peace officer that requires the person to respond or appear" in court.[1] This model ticket is to be created by the Texas Commission on Law Enforcement (TCOLE), in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas, small, medium, and large law enforcement agencies, judges, prosecutors, court clerks, public defenders, and the Office of Court Administration. A period for public review and comment is also required.

RESEARCH SUPPORTING POLICY CHANGE

One of the tools that has been shown to be effective in improving court appearance rates is clear and comprehensive summons forms. **Moving court information from the bottom to the top of the form and bolding the consequences for missing one's court date, for example, have shown to have a significant impact on the rates associated with failing to appear (FTA).**[2] In one high volume municipal jurisdiction, where more than 320,000 citations are issued annually, researchers attributed a 13% reduction in a court's FTA rates to a redesign of their summons form.[3] This alteration, supplemented by text message reminders, was estimated to have prevented over 30,000 warrants from being issued as a result from failing to appear/respond to a citation/summons.[4]

With over 1,000 law enforcement agencies issuing 4.5 million fine-only misdemeanor citations every year, and those citations being processed by 1,750 local trial courts (i.e., 800 justice courts and 950 municipal courts), the *need* to establish a uniformed and model summons is clear.[5] The benefits of increased appearance rates would reverberate throughout the justice system and within our communities.

The practice of issuing citations rather than making an arrest, especially on fine-only and low-level charges, is crucial to the smooth functioning of the criminal justice system. Being able to rely on citations in these instances depends on people coming to court without having to issue an arrest warrant. Adopting a well-tested, clear citation form will improve the functioning of the courts and allow law enforcement to spend more time addressing more serious and violent crimes. By decreasing arrests, it will also relieve pressure on overcrowded jails and reduce court backlogs for minor offenses.[6] 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.[7]

The adoption of a model ticket can also be a critical step in implementing more unified cite-and-release policies across the state. Where it has been implemented and studied, the findings show that cite-and-release policies save time and resources.[8] In fact, one Texas county has seen a savings of roughly $1.6 million annually in booking costs for each year its program has been in place.[9]

RECOMMENDATION

Texas Appleseed recommends the Texas Legislature adopt and implement HB 4486, which would create a model citation for all law enforcement agencies across the state to adopt. Benefits of passing HB 4486 include:

- **Reducing rates of failure to appear in local courts across the state.**

- **Equipping law enforcement with an effective tool to manage low-level charges, whilie freeing up their time to focus on more serious and violent crime.**

- **Saving taxpayer dollars that would otherwise be associated with issuing and pursuing warrants and pretrial detention.**

REFERENCES & ENDNOTES

[1] Texas State Legislature (88th Regular Legislative Session). *House Bill (H.B.) 4486*. Bhojani (2023). Retrieved from https://capitol.texas.gov/tlodocs/88R/billtext/pdf/HB04486I.pdf#navpanes=0

[2] Fishbane, A., Ouss, A., & Shah, A. K. (2020). *Behavioral nudges reduce failure to appear for court.* Science, 370(6517), eabb6591.

[3] Ibid.

[4] Ibid.

[5] According to the Texas Commission on Law Enforcement (TCOLE), there are 1,084 law enforcement agencies in the state that are non-exempt from reporting racial profiling data and are therefore viewed as being the agencies most likely to be engaged in a traffic stop. Retrieved from https://www.tcole.texas.gov/content/racial-profiling-reports; Texas Judicial Branch. *Overview of the judicial branch: Texas court structure*. Retrieved from https://www.txcourts.gov/media/1454621/overview.pdf

[6] Office of Court Administration (2021). Retrieved from https://www.txcourts.gov/media/1454127/fy-21-annual-statistical-report-final.pdf .

[7] Murney, M. (September 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/.

[8] San Antonio Police Department, Open Data Initiative. Retrieved August 17, 2022, from https://www.sanantonio.gov/SAPD/SAPD-Open-Data-Initiative#182281929-open-data ; Bexar County District Attorney, Cite And Release. Retrieved August 17, 2022, from https://www.bexar.org/3322/Cite-Release/.

[9] Ibid.

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