

LEGISLATIVE PRIORITIES

88th Texas Legislative Session, 2023



Cross-Programmatic Areas

FAIR HOUSING & YOUTH HOMELESSNESS

Seal Eviction Records

The simple filing of an eviction case can show up on a tenant screening report, making it hard for someone to find a place to rent regardless of the case's outcome. This is true even when tenants win cases against their landlords. Having one eviction can follow someone, limiting where they can rent and even if they are able to access quality housing. Potential landlords can rely on this record without knowing more about the circumstances. This new bill would seal eviction records when the cases are dismissed or where the tenant wins, ensuring that when the tenant is not at fault or the case is dismissed, the record will not keep people from securing housing.

FOSTER CARE & JUVENILE JUSTICE

Divert Foster Youth from Juvenile Justice System for Minor Offenses

Young people in foster care have all been exposed to trauma. Acting out is a known response to trauma; however, it can be misinterpreted as delinquent behavior and instead of getting help, young people can be funneled into the juvenile justice system. Children in foster care who are living in congregate care settings like residential treatment centers are 2.5 times more likely to end up in the juvenile justice system than children placed in foster care families. Texas Appleseed will advocate for the creation of a deferred prosecution program aimed at keeping young people who are charged with misdemeanors while living in group settings out of the juvenile justice system.

FOSTER CARE & FAIR FINANCIAL SERVICES

Ensure Youth Aging Out of Foster Care Have Bank Accounts

Around 1,200 young people age out of the Texas foster care system every year. These young people face tremendous challenges as they attempt to achieve financial stability and independence. Having a bank account is the first step in achieving financial stability and independence; this bill would require that the Department of Family and Protective Services (DFPS) establish bank accounts for youth aging out of care to ensure they have a place to store and access their money.

Project Areas

CRIMINAL JUSTICE

Prioritize the Use of Mental Health Professionals & Behavior Specialists in Calls of Crisis

Armed law enforcement officers are not mental health professionals. Yet law enforcement is increasingly relied upon to respond to calls of crises. These calls can include, but are not limited to, mental health calls, substance abuse calls, and medical emergencies. This armed responder model introduces the possibility of a weaponized and escalated response, when a more therapeutic approach is required. To this end, Texas Appleseed seeks to advance legislation that prioritizes the use of mental health professionals and behavioral specialists in crisis response calls.

Prioritize the Use of Cite and Release as an Alternative to Arrest & Pretrial Detention

To reduce reliance on arrests and pretrial detention for low-level and non-violent charges, Texas Appleseed will support legislation that requires law enforcement agencies to prioritize citations with subsequent releases, rather than arresting and detaining Texans for citation-eligible offenses. This practice allows law enforcement to focus on more serious and/or violent charges and diverts people from unnecessary detention in county jails.

Ensure Data Transparency for Civil Asset Forfeiture Cases

Civil asset forfeiture is the process by which law enforcement agencies seize currency or other property from owners under a suspicion that it was used for or obtained through criminal activity. In Texas, reporting requirements around the use of asset forfeiture are limited and fail to inform on whether civil and property rights are being properly protected. To this end, Texas Appleseed seeks to advance legislation that would improve transparency surrounding this process through more comprehensive reporting requirements.

End Texas' Debt-Based Driver's License Suspension Program

Texas' Failure to Appear/Pay (FTAP) program places a renewal hold on a person's driver's license if they are unable to pay the debt associated with low-level offenses, such as traffic tickets. This practice impacts hundreds of thousands of Texans each year and is counterproductive — given that people must be able to drive to work to earn a living and to pay their debt. Texas Appleseed aims to eliminate Texas' FTAP program and bring an end to the everyday hardships it causes so many Texans.

Reduce Reliance on Unnecessary Pretrial Detention

When people are unnecessarily jailed pretrial, the costs are immense. Lives are disrupted, jobs and housing can be lost, and families damaged. Issues are only exacerbated by the state's shift towards a cash bail system — which limits the pool of those eligible for bail to those who have cash or enter an agreement with a bail bondsman. These practices strain the already struggling jail system and fracture Texas communities. Texas Appleseed supports legislation that reduces the use of unnecessary pretrial detention and protects our constitutional right to liberty.

Expand Eligibility for Record Sealing and Automate its Process

Currently, those who qualify to have their legal record sealed are met with a series of hurdles — such as having to secure a lawyer, paying for a record history, identifying any external holders of those records and petitioning the system for an order of seal. Eligibility is also limited by type of charge and conviction, as it largely applies to people who either received a deferred adjudication or were convicted for a first time misdemeanor. Records of legal involvement can result in a lifetime of barriers, leading to an inability to access education, employment, licensing, and housing. Texas Appleseed will support legislation that would both automate and expand eligibility to record sealing.

Streamline Access to Professional Licensure for Formerly Incarcerated People

To increase the opportunity of professional success for formerly incarcerated people, Texas Appleseed is looking to streamline and increase the access to professional licensure for persons re-entering society after incarceration. By implementing a provisional license application process that takes place prior to release and eliminating unnecessary eligibility restrictions, formerly incarcerated people can have increased opportunities to obtain gainful employment, a change that not only supports second chances, but also supports Texans in reaching their full potential.

Support the Creation of a Higher Education System in Texas' Prisons

To reduce recidivism, it is important that people in long-term confinement receive programming that has shown to be effective in reducing one's chances of future criminality — such as therapeutic, vocational, and educational programming. To this end, Texas Appleseed seeks to advance legislation that ensures that people who are imprisoned have access to such programs. Given the recent changes that have been made to who is granted federal financial aid for higher education, Texas Appleseed is seeking to support the creation of a system of higher education within Texas' prisons.

Institute a Six-Month Grace Period for Parole Fees

When people are released from prison and placed on parole, there are a series of conditions that they are required to meet to avoid being sent back to prison. One of these requirements is the payment of parole fees. Given the challenges affiliated with release, such as securing basic necessities, housing, and of course, employment, Texas Appleseed is seeking to secure some semblance of relief for those reintegrating into society by instituting a six-month grace period for parole fees.

EDUCATION JUSTICE

Curb School Hardening and Refocus on True School Safety

For months following the tragedy in Uvalde, the public received more information — with each passing week — about the inadequate police response to the active shooter. Based on empirical and anecdotal data, we know that school policing simply does not translate into true school safety. Given the hardening measures that passed during the 86th session, and the fact that they did not prevent the tragedy in Uvalde, we will oppose calls for more funding for school police and invasive surveillance of young Texans.

Fund School-Based Mental Health Professions

For the past few legislative sessions, Texas Appleseed has highlighted that no independent school districts meet the recommended ratios of school counselors, psychologists, and social workers to K-12 learners. With a recognition of the tremendous healing that is required for young Texans as the coronavirus pandemic continues, we will urge legislators to create funding streams for more social workers, psychologists, and school counselors.

Support Trauma-Informed Resources

Although billions of dollars have flowed to Texas from the stimulus packages of the Trump & Biden Administrations, we understand that a good deal of money remains on the table for pandemic relief. We intend to prioritize the identification of unallocated federal stimulus funding, and we will urge legislators to direct that money toward TEA and local education agencies to support trauma-informed resources, mental health services and supports, and the implementation of restorative practices.

Identify and Implement Alternatives to Suspensions and Expulsions

Following up on the success of HB 674 (2017), we will highlight innovative local programs that are pushing back against a deeply entrenched culture of zero tolerance policies in school discipline. We will urge legislators to explore alternatives to exclusionary discipline to enshrine in the Texas Education Code, using the Dallas ISD reset room program as a model.

Examine the Implementation of SB 11 (2019)

We supported the effort to employ evidence-based approaches to school safety during the 86th legislative session. Four years later, we will advise legislators to increase the per-student school safety allotment and expand the possibilities of the use of this money for young Texans. Optimally, it will be spent to bolster the social, emotional, and academic prosperity of all K-12 learners across the state.

ELDER JUSTICE

Understanding Mental Health Services in Long-Term Care Facilities

Pre-pandemic, more than half of nursing facility residents had a depression diagnosis, indicating a strong need for better mental health services for persons living in long-term care facilities. Further, indicators from federally collected data show that long-term care residents experienced a significant decline to their mental health during the height of the pandemic, followed by a weak and slow attempted recovery once vaccines became available. Expanding access to quality mental health services in long-term care facilities will be essential, but first we must understand what mental health services

currently look like in long-term care facilities. The State should conduct a study or survey of long-term care facilities across the state to learn what mental health services are being provided to elderly and disabled Texans and whether existing services are supportive and satisfactory.

FAIR FINANCIAL SERVICES

Support Fair Lending Standards for Consumer Credit, including Payday and Auto Title Loans

Uncapped payday and auto title loans, with rates that can average over 500% APR, need to be reformed. They have been documented to cause financial hardship to struggling families and drain billions from Texas families, churches, and nonprofits. Reforming payday and auto title lending and reining in abuses would bolster the economies of our cities and towns and enhance the financial wellbeing of families and communities. It is also important to preserve fair lending standards that currently exist, including local ordinances providing basic safeguards against predatory lending and state consumer lending protections.

Support Consumer Protections for Emerging Financial Technologies, like Cryptocurrency

Financial technologies can create better products for Texans and benefit our state and local economies. However, without appropriate oversight and fair standards, they can also enable fraud, scams, and financial harm. Cryptocurrency and other digital assets are receiving a lot of media and policy attention. As Texas considers new laws to address digital assets, it is essential to include accountability as part of fair and transparent practices. The recent crash in the cryptocurrency market exposed problems that stem from a lack of oversight and accountability. Texas has an opportunity to learn from those market failings in support of beneficial standards.

Establish a Basic Cost of Living Exemption from Debt Collection

Texas has a long history of protecting wages from debt collection in the state constitution. This protection is essential, but current laws are antiquated. They protect current wages, but once wages are deposited in an account, protections often no longer apply. When debt collectors freeze accounts to collect an old debt, many Texans face a financial crisis: cascading defaults on housing, bills, and other debts, and no funds to pay for food or basic necessities. Establishing a basic cost of living exemption for funds in an account, so that families can cover basic necessities while making affordable payments towards debts, is an essential modernization of our laws.

Enhance Data Privacy Protections for Vulnerable Populations

Advances in digital technologies have allowed consumer behavior to be incessantly monitored through the mass collection, sharing, and selling of personal information. Little accountability exists regarding what can be collected, who has access to the data, or how it is protected. A lack of data privacy protections gives broad access to our personal lives, creating greater vulnerabilities. It is crucial for companies to be held accountable for invasive and unnecessary data collection, sharing, and selling practices that lead to devastating financial outcomes for consumers. Texas must prioritize data privacy protections and put control back in the hands of Texas consumers.

Ensure Victims of Financial Abuse have Tools to Address Wrongful Debt Collection

Many Texans are impacted by debt collection issues, ranging from abusive criminal charge threats to wrongful debt collection efforts. Survivors of domestic violence experience additional challenges when debt collectors go after them to collect debts that are the result of economic exploitation by abusive partners. Because of the complexity of this type of financial abuse, survivors have difficulties asserting their legal rights by challenging these debts, which can have devastating impacts on financial security and wellbeing. Texas Appleseed prioritizes curbing these unfair debt collection practices and ensuring that all Texans know their legal rights.

FAIR HOUSING

Stop Exclusionary Zoning

Many Texas municipalities have zoning ordinances that make it impossible for people of different socio-economic backgrounds to afford housing — minimum lot sizes that require every house to come with thousands of square feet of yard, restrictions on smaller garage apartments and granny flats (known as accessory dwelling units), and other exclusionary rules. These restrictions add up to make the cost of housing too high for too many families in too many places. Texas Appleseed will support efforts to end these exclusionary practices.

INTERNET ACCESS

Appropriate State Funds for Broadband Expansion

In 2021, Congress passed the Infrastructure Investment and Jobs Act, which included \$45 billion to close the digital divide. Texas is expected to receive a significant portion of the available funding because millions of Texans currently do not have access to a broadband internet connection. In order to pull down those federal funds, there is a required 25% match that must be met, and the State should appropriate funds for this purpose, particularly to support smaller and rural broadband projects.

JUVENILE JUSTICE

Close State Juvenile Secure Facilities

In Texas, there are five state-run secure lockups for young people. These facilities' unsafe conditions are well-documented. Chronic staffing shortages and a lack of trained staff have led to chaos and unsafe conditions. Research is clear that large facilities lead to higher rates of recidivism and that young people are better served in smaller facilities closer to home. Texas Appleseed plans to advocate for the staggered closure of these facilities with a plan to ensure those young people who need to be in secure confinement are placed closer to home in smaller, more appropriate facilities.

Abolish Remaining Juvenile Fees

In 2021, the Texas Legislature passed SB 41, abolishing many juvenile fees that exacerbate racial/ethnic disparities, increase youth recidivism, and generally cost more to collect than jurisdictions recover. While SB 41 abolished many fees, some were inadvertently missed and remain in place. We plan to advocate for a clean-up bill this session that will eliminate the remaining juvenile fees and finish the work the Legislature began in 2021.

Raise the Lower Age of Juvenile Court Jurisdiction from 10 to 13

Young children do not belong in juvenile justice settings. Texas should instead embrace a developmentally appropriate approach to addressing their behavioral challenges by raising the lower age of juvenile jurisdiction to age 13 instead of age 10. Children aged 10-12 make up a very small percentage of those referred to the juvenile justice system. Most are referred for misdemeanors. Referring children to probation increases the likelihood that they will be involved in the justice system later in life. When pre-adolescent children exhibit law-breaking behavior, it often stems from family dysfunction or behavioral health issues that are better addressed outside of the juvenile justice system.

Eliminate Criminal Convictions and Fines for Juvenile Class C Misdemeanors

While the number of Class C charges filed against youth has dropped dramatically since 2013 reforms 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, such as a curfew violation or minor in possession of alcohol, results in high fines and an adult criminal record that can haunt youth well into adulthood, posing a barrier to college, housing and jobs. Texas Appleseed will support legislation that eliminates the criminal consequences associated with a juvenile Class C charge,

so that the process more closely mirrors what young people experience when they are charged with higher level offenses in the juvenile system.

Close Child Abuse Registry Loophole

Right now, when a child is abused in a juvenile justice facility or by a juvenile probation employee, the sustained finding is not reported to the child abuse registry. This means that a person can be found to have abused a child in a juvenile justice setting, and unless criminal charges are filed (and they aren't always filed), they will not show up in a background check conducted by a facility licensed by HHSC to house foster children. This bill would close this loophole so there is consistency, and these investigations would be reported to the child abuse registry.

YOUTH HOMELESSNESS

End Confinement of Runaways

Status offenses are actions that are only prohibited by law for individuals younger than a certain age, like running away or breaking curfew laws. Often, these young people are fleeing abuse or are simply homeless and have nowhere to go. Placing a child who has run away in a juvenile detention center re-traumatizes them. Under current state law, status offenders cannot be incarcerated as punishment for committing a status offense, but may be confined or detained as punishment for violating a court order made in the underlying status offense case — commonly known as the Valid Court Order (VCO) exception. Texas Appleseed supports legislation that would ensure that youth who run away are never confined by eliminating the VCO exception from current law.

Require McKinney-Vento Liaisons in Post-Secondary Schools

A McKinney-Vento liaison on college campuses would help ensure that young people experiencing homelessness who are attending post-secondary school know what resources are available to them. This liaison would also help with securing alternative housing for young people when school housing may be closed and navigate any benefits that might be available to them.

End Curfew Ordinances Statewide

Ending curfew ordinances would ensure children are not criminalized for being outside of their homes. Currently, Texas allows cities and counties to charge young people who are out late or may not be in school during the day with Class C Misdemeanors through Juvenile Curfew Ordinances (JCOs) that criminalize kids and send them to adult criminal court. Young people who are out late or may not be in school during the day may need special services, resources, or simple guidance. Others may work late-night jobs to provide for themselves or their family. Some are homeless. None should be saddled with tickets, court time, or a criminal record. Curfew ordinances often disproportionately affect youth of color with more stops and citations. This bill would eliminate these unnecessary ordinances.

About & Contact Information

Main Website

www.TexasAppleseed.org

Legislative Session Website

www.TexasAppleseed.org/88th-texas-legislature

Contact Us

Deborah Fowler

Executive Director

dfowler@texasappleseed.org

Brennan Griffin

Deputy Director

bgriffin@texasappleseed.org

Ann Baddour

Director, Fair Financial Services Project

abaddour@texasappleseed.org

Jennifer Carreon

Director, Criminal Justice Project

jcarreon@texasappleseed.org

Andrew Hairston

Director, Education Justice Project

ahairston@texasappleseed.org

Gabriella McDonald

Pro Bono & New Projects Director

gmcDonald@texasappleseed.org

Martin Martinez

Youth Justice Policy Advocate

mmartinez@texasappleseed.org

Madison Sloan

Director, Disaster Recovery & Fair Housing Project

msloan@texasappleseed.org

About Texas Appleseed

As one of the most trusted resources for data-driven policy analysis and solutions, Texas Appleseed advocates at the state and local level for fair, just, and equitable laws. Our work has shaped hundreds of laws and positively affected millions of Texans by breaking down barriers through transformative policy solutions.

Mission

Texas Appleseed promotes social, economic, and racial justice for all Texans by leveraging the skills and resources of volunteer lawyers, other professionals, and community partners to identify practical solutions to difficult, systemic problems.

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