



Texas Incarcerated Families Association
Strengthening families through education, advocacy and organizing

EARNED TIME CREDITS UPDATES AND FAQs

1. What does the official bill look like? You can find the bill on the TLO site [here](#). This is the main website to use for everything related to the Texas Legislature. You can set up your own profile and an alert for the bill so you will know as soon as it moves to the next step, but we will also post those updates on the TIFA website, the weekly message and on Facebook. You can also find out who your representatives is here on the [home page search tool](#).

We recognize that the language is confusing, as it refers to “good conduct time” in the statute, but the bill is actually about a subsection of that, what we refer to as “earned time credits.” It was written this way to prevent the need to change 50+ statutes to add the term “earned time credits” and unfortunately a bill that allows “good time” (just not getting in trouble) to count toward parole for 3g offenses would not have a chance of passing, so we identified the subsection of “earned time” which is more palatable for Texas legislators.

- **2. What does this bill mean?** The way the bill is written, everyone with a “3g” offense would be able to start counting “earned time credits” toward **parole eligibility**. This includes **work, rehab, and educational programs**. That way they will reach their 50% mark sooner than just using flat time served to get to that point. It **doesn’t guarantee release** since they still need to get approval from the parole board. Right now the hard work they are doing doesn’t count toward anything, so this is about giving them hope and something to work toward. **The bill does not exclude any crimes and it is retroactive** (it helps those who are already incarcerated and counts all of the work/program time they have already accumulated). There will be pushback on these points from some legislators, so we may have to address the retroactive part later to see if there is a fair negotiation of meeting somewhere in the middle on that, but right now we are doing everything we can to keep the bill the way it is. Prosecutors do not like this bill and they will be working with other groups like Andy Kahan’s survivors groups and Houston Crime Stoppers to kill this bill. We need to counter their arguments with a stronger message that what we’re asking for is small, and there are many crime survivors who do want more focus on rehabilitation, and opportunities for people to change and build a new life.

3. What counts as “3g”? 3g offenses are a special category of felony offenses, formerly listed in Texas Code of Criminal Procedure in Article 42.12 Section 3(g), that are considered to be the most serious or violent and to which additional sentencing consequences apply. This is now codified under [Texas Code of Criminal Procedure 42A.054](#). This includes the following offenses: Murder, Capital murder, Indecency with a child, Aggravated kidnapping, Sexual assault, Aggravated sexual assault, Aggravated robbery, Any offense with an affirmative finding of the use of a deadly weapon, and Health and Safety Code Chapter 481.134 (c), (d), (e), and (f).

4. What changes if HB 1064 is passed this session? If the bill passes, people will be credited with 15 days of earned time for each month they have participated in any of the programs listed above, starting September 1, 2023. They will need to stay in good standing, as TDCJ may choose to take away credits for significant disciplinary cases. These credits will be added to their flat time to bring them to the 50% mark sooner, where they will get a parole review.

5. What is the process of it getting passed? In order for a bill to become law it has many steps to get through. You can read the details [here](#), but basically HB 1064 will first need to get through committee, which is where most bills die. If a majority of that group votes yes after the hearing, it will be sent to the [Calendars Committee](#) where we would then need to focus on those legislators and encourage them to schedule a floor vote for the bill. If it gets scheduled we will need to reach as many offices as possible (out of the 150 total State Representatives) to ask them to vote yes on the bill. If it gets $\frac{2}{3}$ votes there, it goes to the Senate and starts this process over. If it gets $\frac{2}{3}$ votes in the Senate it is sent to the Governor for signing. We will keep everyone updated on the TIFA website, in the weekly message and on Facebook with which step we're on and what you can do. *Note: no bills officially "pass" before the end of May.*

Updates specific to the week of 1/16/2023

- **If you would like to give in person testimony at the hearing, please email your written testimony to smckinney@tifa.org. Remember you only have 3 minutes to tell your story. Once we get your testimony, we will have our volunteer over testimonies give you feedback.**