

House Criminal Jurisprudence Committee
Written Testimony on House Bill 689
Monday, March 8, 2021

Committee Members,

Thank you for the opportunity to provide comments on House Bill 689, relating to the appearance of an arrested person before a magistrate. My name is Sabrina Gonzalez, and I am speaking on behalf of the Texas Council for Developmental Disabilities, registering on the bill.

The Texas Council for Developmental Disabilities (TCDD) is established by state and federal law and is governed by 27 board members, appointed by the Governor, 60% of whom are individuals with developmental disabilities or family members of individuals with disabilities. TCDD's purpose in law is to encourage policy change so that people with disabilities have opportunities to be fully included in their communities and exercise control over their own lives.

TCDD supports the position that people with developmental disabilities – whether as victims, suspects, or witnesses of a crime – have the right to impartial justice, fair treatment, and reasonable accommodations in all areas of the criminal justice system. The aims of House Bill 689 are consistent with the mission of the TCDD.

HB 689 would ensure that arrested individuals are able to connect to and understand the image and sound of criminal proceedings taking place over videoconference. If a judge has reasonable cause to believe that the arrested person has a mental illness or an intellectual disability, the judge is to ensure that the individual has the reasonable accommodations they are entitled to and is informed of their rights.

Ensuring that arrested individuals understand their own proceedings is crucial for all people, but this is especially true for individuals with intellectual and developmental disabilities (IDD). People with IDD are put at an extreme disadvantage when they are accused of committing a crime. Many individuals with intellectual disabilities find themselves unable to effectively communicate with law enforcement and counsel which increases their vulnerability to arrest, incarceration and execution, even if they are innocent (<https://thearc.org/wp-content/uploads/forchapters/Criminal%20Justice%20System.pdf>). Lapses in understanding and communication like those forementioned have intense consequences and they are more likely to occur when court proceedings are taking place over videoconference. HB 689 would ensure that individuals with IDD have access to the assistance they are entitled to in order to receive a fair trial in a time when people with IDD are most vulnerable.

It is crucial to ensure that arrested individuals with IDD are given the reasonable accommodations necessary to receive impartial justice and fair treatment under the law. HB 689 is consistent with the aims of the Texas Council for Developmental Disabilities. Please feel free to contact TCDD for additional information or if we can be of additional service.

Respectfully submitted,
Sabrina Gonzalez
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Texas Council for Developmental Disabilities