



Texas

For people with intellectual
and developmental disabilities.



PUBLIC POLICY PRIORITIES: 89TH TEXAS LEGISLATIVE SESSION

The Arc of Texas advocates for public policy that prioritizes community-inclusion for Texans with intellectual and developmental disabilities (IDD). This overview covers one of our four policy pillars.

CIVIL RIGHTS AND JUSTICE

We believe Texans with IDD are entitled to justice, fair treatment, and necessary accommodations throughout all areas of the criminal justice system – whether they are a victim, suspect, or witness of a crime. Due to increased risk of rights violations, greater protection and enforcement of their civil, personal, and human rights is critical.

See three related policy priorities below.

1. Define and Establish Process to Identify People with IDD

- People with IDD are disproportionately involved in the criminal legal system compared to the general population, representing ~10% of the jail and prison population despite only up to 3% of the total U.S. population.
- Establishing a uniform process across Texas' criminal legal system to identify people with IDD would prevent unwarranted executions, promote fairness, and ensure compliance with federal disability and civil rights laws.

PROPOSED SOLUTIONS

- Define IDD for use across various areas of statutes (Penal Code, Code of Criminal Procedure).
- Establish uniform process to identify people with IDD for intake staff at jails, prisons and correctional facilities throughout Texas.

2. Ensure Self-Determination and Protect Rights

- People with IDD are at heightened risk of discrimination, exploitation, and abuse, particularly when their rights are restricted, making it crucial to establish protections that ensure they are treated fairly and able to make their own choices about their lives.
- Texans with IDD face unnecessary restrictions on their autonomy, especially related to guardianship and decision-making capacity, leading to limited self-determination. In many instances, guardianship is pursued without exploring less restrictive alternatives.

PROPOSED SOLUTIONS

- *Enact comprehensive safeguards to protect Texans with IDD from discrimination, exploitation, and abuse.*
- *Create and implement policies focused on the least restrictive options for supporting individuals with IDD, including alternatives to guardianship and decision-making approaches that maintain autonomy while offering necessary assistance.*

3. Uphold Existing Voting Rights

- Texans with IDD face many unfair challenges in the current voting process. Existing state law places restrictions on accessibility measures, the ability for people to receive assistance when casting a ballot and to resolve voting-related questions during elections.
- During the 88th Session, Senate Bill 1 introduced measures disproportionately impacting Texans with IDD by restricting access to voting accommodations and assistance. In October 2024, the U.S. District Court for the Western District of Texas struck down suppressive and discriminatory provisions of SB 1, reinforcing the need for stronger protections to ensure Texans with IDD can exercise their right to vote.

PROPOSED SOLUTIONS

- *Establish statewide guidelines requiring polling locations to provide consistent, accessible accommodations for Texans with IDD to ensure they can vote independently and privately.*
- *Design voter security measures to protect election integrity without restricting access for Texans with IDD.*



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Sabrina Gonzalez Saucedo, Director of Public Policy & Advocacy
512-454-6694 | sgonzalezsaucedo@thearcoftexas.org
8001 Centre Park Drive, Suite 100 | Austin, TX 78754