

By: Shaheen

H.B. No. 465

Substitute the following for H.B. No. 465:

By: Murr

C.S.H.B. No. 465

A BILL TO BE ENTITLED

AN ACT

relating to changing the eligibility for release on parole of certain inmates serving sentences for trafficking offenses involving one or more child victims.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.01991 to read as follows:

Art. 42.01991. FINDING REGARDING AGREEMENT ON PAROLE ELIGIBILITY FOR CERTAIN DEFENDANTS. (a) This article applies only in the trial of an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, in which:

(1) the defendant enters a plea of guilty; and

(2) the attorney representing the state, the attorney representing the defendant, and the defendant agree in writing that the defendant will become eligible for release on parole as described by Section 508.145(c-1)(2), Government Code.

(b) In the trial of an offense to which this article applies, on the motion of the attorney representing the state, the judge shall make an affirmative finding of fact that the parties have entered into the agreement described by Subsection (a)(2) and shall enter the affirmative finding in the judgment in the case.

SECTION 2. Section 508.145, Government Code, is amended by amending Subsection (a) and adding Subsection (c-1) to read as follows:

1 (a) An inmate is not eligible for release on parole if the
2 inmate is under sentence of death, serving a sentence of life
3 imprisonment without parole, or serving a sentence for any of the
4 following offenses under the Penal Code:

5 (1) Section 20A.03, if the offense is based partly or
6 wholly on conduct constituting an offense under Section
7 20A.02(a)(5), (6), (7), or (8);

8 (2) [~~serving a sentence for an offense under~~] Section
9 21.02; or

10 (3) [~~, Penal Code, or serving a sentence for an offense~~
11 ~~under~~] Section 22.021, if the offense [~~Penal Code, that~~] is
12 punishable under Subsection (f) of that section [~~is not eligible~~
13 ~~for release on parole~~].

14 (c-1)(1) Except as provided by Subdivision (2), an inmate
15 serving a sentence for an offense under Section 20A.02(a)(5), (6),
16 (7), or (8), Penal Code, is not eligible for release on parole.

17 (2) An inmate serving a sentence for an offense
18 described by Subdivision (1) for which the judgment in the case
19 contains an affirmative finding under Article 42.01991, Code of
20 Criminal Procedure, is not eligible for release on parole until the
21 inmate's actual calendar time served, without consideration of good
22 conduct time, equals one-half of the sentence or 30 calendar years,
23 whichever is less, but in no event is the inmate eligible for
24 release on parole in less than two calendar years.

25 SECTION 3. Section 508.145(d)(1), Government Code, is
26 amended to read as follows:

27 (d)(1) This subsection applies only to an inmate who is

1 serving a sentence for:

2 (A) an offense described by Article 42A.054(a),
3 Code of Criminal Procedure, other than an offense under Section
4 19.03, Penal Code, or an offense under Chapter 20A, Penal Code, that
5 is described by Subsection (a)(1) or (c-1)(1);

6 (B) an offense for which the judgment contains an
7 affirmative finding under Article 42A.054(c) or (d), Code of
8 Criminal Procedure; or

9 (C) ~~[an offense under Section 20A.03, Penal Code,~~

10 ~~or~~

11 ~~[(D)]~~ an offense under Section 71.02 or 71.023,
12 Penal Code.

13 SECTION 4. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 governed by the law in effect on the date the offense was committed,
17 and the former law is continued in effect for that purpose. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense occurred
20 before that date.

21 SECTION 5. This Act takes effect September 1, 2021.