

By: Moody, Buckley, Neave, Ramos, et al.

H.B. No. 686

Substitute the following for H.B. No. 686:

By: Leach

C.S.H.B. No. 686

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the release on parole of certain inmates convicted of an  
3 offense committed when younger than 18 years of age; changing  
4 parole eligibility.

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

6 SECTION 1. Subchapter E, Chapter 508, Government Code, is  
7 amended by adding Section 508.1415 to read as follows:

8 Sec. 508.1415. ADDITIONAL PAROLE CONSIDERATIONS FOR  
9 YOUTHFUL OFFENDERS. (a) This section applies only to the  
10 consideration for release on parole of an inmate who was younger  
11 than 18 years of age at the time the offense for which the inmate is  
12 eligible for release on parole was committed.

13 (b) In determining whether to release an inmate described by  
14 Subsection (a) on parole, a parole panel shall assess the growth and  
15 maturity of the inmate, taking into consideration:

16 (1) the diminished culpability of juveniles, as  
17 compared to that of adults;

18 (2) the hallmark features of youth; and

19 (3) the greater capacity of juveniles for change, as  
20 compared to that of adults.

21 (c) The board shall adopt a policy establishing factors for  
22 a parole panel to consider when reviewing for release on parole an  
23 inmate to whom this section applies to ensure that the inmate is  
24 provided a meaningful opportunity to obtain release. The policy

1 must:

2 (1) consider the age of the inmate at the time of the  
3 commission of the offense as a mitigating factor in favor of  
4 granting release on parole;

5 (2) permit persons having knowledge of the inmate  
6 before the inmate committed the offense or having knowledge of the  
7 inmate's growth and maturity after the offense was committed to  
8 submit statements regarding the inmate for consideration by the  
9 parole panel; and

10 (3) establish a mechanism for the outcome of a  
11 comprehensive mental health evaluation conducted by an expert  
12 qualified by education and clinical training in adolescent mental  
13 health issues to be considered by the parole panel.

14 (d) This section does not:

15 (1) affect the rights granted under this chapter or  
16 Article 56A.051, Code of Criminal Procedure, to a victim, guardian  
17 of a victim, or close relative of a deceased victim; or

18 (2) create a legal cause of action.

19 SECTION 2. Section 508.145, Government Code, is amended by  
20 adding Subsection (d-2) to read as follows:

21 (d-2)(1) This subsection applies only to an inmate who:

22 (A) is serving a sentence for:

23 (i) a capital or first degree felony  
24 described by Article 42A.054(a), Code of Criminal Procedure;

25 (ii) an offense under Section 20A.03,  
26 21.02, or 71.023, Penal Code; or

27 (iii) a first degree felony under Section

1 71.02, Penal Code; and

2 (B) was younger than 18 years of age at the time  
3 the offense was committed.

4 (2) Notwithstanding any other provision of this  
5 section and except as provided by Subdivision (3), an inmate  
6 described by Subdivision (1) is not eligible for release on parole  
7 until the inmate's actual calendar time served, without  
8 consideration of good conduct time, equals 20 calendar years or  
9 one-half of the applicable time provided by this section, whichever  
10 is less, but in no event is the inmate eligible for release on  
11 parole in less than four calendar years unless the inmate would  
12 otherwise be eligible for release on parole under another provision  
13 of this section.

14 (3) An inmate described by Subdivision (1) who is  
15 serving a sentence for a capital felony under Section 19.03(a)(7),  
16 Penal Code, other than an inmate who was found guilty only as a  
17 party under Section 7.02(b), Penal Code, is not eligible for  
18 release on parole until the inmate's actual calendar time served,  
19 without consideration of good conduct time, equals 40 calendar  
20 years.

21 SECTION 3. The following provisions of the Government Code  
22 are repealed:

23 (1) Section 499.053(d); and

24 (2) Section 508.145(b).

25 SECTION 4. The change in law made by this Act applies to any  
26 inmate who is confined in a facility operated by or under contract  
27 with the Texas Department of Criminal Justice on or after the

1 effective date of this Act, regardless of whether the offense for  
2 which the inmate is confined occurred before, on, or after the  
3 effective date of this Act.

4 SECTION 5. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2021.