

1-1 By: Moody, et al. H.B. No. 686  
 1-2 (Senate Sponsor - Lucio, Eckhardt, Hall)  
 1-3 (In the Senate - Received from the House April 8, 2021;  
 1-4 May 10, 2021, read first time and referred to Committee on Criminal  
 1-5 Justice; May 20, 2021, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;  
 1-7 May 20, 2021, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 COMMITTEE SUBSTITUTE FOR H.B. No. 686 By: Whitmire

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to the release on parole of certain youthful offenders;  
 1-21 changing parole eligibility.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter E, Chapter 508, Government Code, is  
 1-24 amended by adding Section 508.1415 to read as follows:

1-25 Sec. 508.1415. ADDITIONAL PAROLE CONSIDERATIONS FOR  
 1-26 YOUTHFUL OFFENDERS. (a) This section applies only to the  
 1-27 consideration for release on parole of an inmate who was younger  
 1-28 than 17 years of age at the time the offense for which the inmate is  
 1-29 eligible for release on parole was committed.

1-30 (b) In determining whether to release an inmate described by  
 1-31 Subsection (a) on parole, a parole panel shall assess the growth and  
 1-32 maturity of the inmate, taking into consideration:

1-33 (1) the diminished culpability of juveniles, as  
 1-34 compared to that of adults;

1-35 (2) the hallmark features of youth; and

1-36 (3) the greater capacity of juveniles for change, as  
 1-37 compared to that of adults.

1-38 (c) The board shall adopt a policy establishing factors for  
 1-39 a parole panel to consider when reviewing for release on parole an  
 1-40 inmate to whom this section applies to ensure that the inmate is  
 1-41 provided a meaningful opportunity to obtain release. The policy  
 1-42 must:

1-43 (1) consider the age of the inmate at the time of the  
 1-44 commission of the offense as a mitigating factor in favor of  
 1-45 granting release on parole;

1-46 (2) permit persons having knowledge of the inmate  
 1-47 before the inmate committed the offense or having knowledge of the  
 1-48 inmate's growth and maturity after the offense was committed to  
 1-49 submit statements regarding the inmate for consideration by the  
 1-50 parole panel; and

1-51 (3) establish a mechanism for the outcome of a  
 1-52 comprehensive mental health evaluation conducted by an expert  
 1-53 qualified by education and clinical training in adolescent mental  
 1-54 health issues to be considered by the parole panel.

1-55 (d) This section does not:

1-56 (1) affect the rights granted under this chapter or  
 1-57 Article 56A.051, Code of Criminal Procedure, to a victim, guardian  
 1-58 of a victim, or close relative of a deceased victim; or

1-59 (2) create a legal cause of action.

1-60 SECTION 2. Section 508.145, Government Code, is amended by

2-1 amending Subsection (b) and adding Subsection (d-2) to read as  
2-2 follows:

2-3 (b) An inmate serving a life sentence under Section  
2-4 12.31(a)(1), Penal Code, for a capital felony is not eligible for  
2-5 release on parole until the actual calendar time the inmate has  
2-6 served, without consideration of good conduct time, equals 30 [40]  
2-7 calendar years, except that an inmate serving a life sentence under  
2-8 Section 12.31(a)(1), Penal Code, for a capital felony under Section  
2-9 19.03(a)(1) or (7) of that code is not eligible for release on  
2-10 parole until the actual calendar time the inmate has served,  
2-11 without consideration of good conduct time, equals 40 calendar  
2-12 years.

2-13 (d-2)(1) This subsection applies only to an inmate who:

2-14 (A) is serving a sentence for:

2-15 (i) a first degree felony described by  
2-16 Article 42A.054(a), Code of Criminal Procedure;

2-17 (ii) an offense under Section 20A.03 or  
2-18 71.023, Penal Code; or

2-19 (iii) a first degree felony under Section  
2-20 71.02, Penal Code; and

2-21 (B) was younger than 17 years of age at the time  
2-22 the offense was committed.

2-23 (2) Notwithstanding any other provision of this  
2-24 section, an inmate described by Subdivision (1) is not eligible for  
2-25 release on parole until the inmate's actual calendar time served,  
2-26 without consideration of good conduct time, equals 20 calendar  
2-27 years or one-half of the applicable time provided by this section,  
2-28 whichever is less, but in no event is the inmate eligible for  
2-29 release on parole in less than four calendar years unless the inmate  
2-30 would otherwise be eligible for release on parole under another  
2-31 provision of this section.

2-32 SECTION 3. The change in law made by this Act applies only  
2-33 to an offense committed on or after the effective date of this Act.  
2-34 An offense committed before the effective date of this Act is  
2-35 governed by the law in effect on the date the offense was committed,  
2-36 and the former law is continued in effect for that purpose. For  
2-37 purposes of this section, an offense was committed before the  
2-38 effective date of this Act if any element of the offense occurred  
2-39 before that date.

2-40 SECTION 4. This Act takes effect January 1, 2022.

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