

By: J. Johnson of Harris

H.B. No. 2793

A BILL TO BE ENTITLED

AN ACT

relating to parole determinations and individual treatment plans for inmates.

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

SECTION 1. Section 508.1411(a), Government Code, is amended to read as follows:

(a) For each decision of a parole panel granting or denying the release of an inmate on parole, or denying the release of an inmate on mandatory supervision, the parole panel shall:

(1) produce a written statement, in clear and understandable language, that explains:

(A) the decision; ~~and~~

(B) the reasons for the decision only to the extent those reasons relate specifically to the inmate; and

(C) if the decision is denying the release of an inmate on parole, the specific actions the inmate must take to address factors that contributed to the denial of parole;

(2) provide a copy of the statement to the inmate and the rehabilitation programs division of the department; and

(3) place a copy of the statement in the inmate's file.

SECTION 2. Subchapter E, Chapter 508, Government Code, is amended by adding Section 508.1444 to read as follows:

Sec. 508.1444. PAROLE SCREENING TOOL. (a) The board shall develop and implement a parole screening tool to be used by parole

1 panels to make an individualized determination on parole approval
2 or denial that is based on:

3 (1) an inmate's progress on the inmate's individual
4 treatment plan;

5 (2) the results of the inmate's risk and needs
6 assessment; and

7 (3) any other factors that contribute to the
8 likelihood of the inmate's successful reintegration following
9 release.

10 (b) The parole screening tool must be developed in
11 accordance with an acceptable research method.

12 (c) The board shall regularly evaluate the parole screening
13 tool in relation to parole outcomes and make appropriate revisions
14 to the tool to ensure that parole decisions promote successful
15 reintegration. The board shall hold an open meeting when
16 evaluating or revising the parole screening tool.

17 SECTION 3. Section 508.1445, Government Code, is amended to
18 read as follows:

19 Sec. 508.1445. ANNUAL REPORT ON PAROLE SCREENING TOOL
20 ~~[GUIDELINES]~~ REQUIRED. (a) The board annually shall submit a
21 report to the Criminal Justice Legislative Oversight Committee, the
22 lieutenant governor, the speaker of the house of representatives,
23 and the presiding officers of the standing committees in the senate
24 and house of representatives primarily responsible for criminal
25 justice regarding the board's application of the parole screening
26 tool ~~[guidelines]~~ adopted under Section 508.1444 ~~[508.144]~~.

27 (b) The report must include:

1 (1) a brief explanation of the parole screening tool
2 [~~guidelines~~], including how the board uses the tool to make an
3 individualized determination to approve or deny release on parole [+

4 [~~(A) defines the risk factors and offense~~
5 ~~severity levels, and~~

6 [~~(B) determines the range of recommended parole~~
7 ~~approval rates for each guideline score~~];

8 (2) reintegration outcomes of inmates approved for
9 parole and any recommended changes to the parole screening tool to
10 ensure that the use of the tool leads to lower recidivism rates [a
11 ~~comparison of the range of recommended parole approval rates under~~
12 ~~the parole guidelines to the actual approval rates for individual~~
13 ~~parole panel members, regional offices, and the state as a whole];
14 and~~

15 (3) an analysis of parole denials, including the
16 reasons for parole denial and information regarding additional
17 rehabilitative programming recommended for inmates denied release
18 on parole [a ~~description of instances in which the actual parole~~
19 ~~approval rates do not meet the range of recommended parole approval~~
20 ~~rates under the parole guidelines, an explanation of the~~
21 ~~variations, and a list of actions that the board has taken or will~~
22 ~~take to meet the guidelines].~~

23 SECTION 4. Section 508.152, Government Code, is amended by
24 amending Subsections (a), (b), (b-2), (c), and (e) and adding
25 Subsections (b-3), (b-4), and (g) to read as follows:

26 (a) Not later than the 45th [~~120th~~] day after the date an
27 inmate is admitted to the institutional division, the department

1 shall obtain all pertinent information relating to the inmate,
2 including:

- 3 (1) the court judgment;
- 4 (2) any sentencing report;
- 5 (3) the circumstances of the inmate's offense;
- 6 (4) the inmate's previous social history and criminal
7 record;
- 8 (5) the inmate's physical and mental health record;
- 9 (6) a record of the inmate's conduct, employment
10 history, and attitude in the institutional division; ~~and~~
- 11 (7) any written comments or information provided by
12 local trial officials or victims of the offense; and
- 13 (8) an evaluation of the educational, rehabilitative,
14 and vocational needs of the inmate.

15 (b) The department shall:

- 16 (1) not later than the 60th day after the date the
17 department obtains the information required by Subsection
18 (a), establish for the inmate an individual treatment plan and
19 provide the plan to the inmate; and
- 20 (2) submit the plan to the board at the time of the
21 board's consideration of the inmate's case for release.

22 (b-2) At least once in every 12-month period, the department
23 shall review each inmate's individual treatment plan to assess the
24 inmate's institutional progress and revise or update the plan as
25 necessary. If the department revises or updates an inmate's
26 individual treatment plan, the department shall provide the inmate
27 with the revised or updated plan as soon as practicable after the

1 department's review of the plan under this subsection. The
2 department shall make reasonable efforts to provide an inmate the
3 opportunity to complete any classes or programs included in the
4 inmate's individual treatment plan[~~, other than classes or programs~~
5 ~~that are to be completed immediately~~] before the inmate's [~~release~~
6 ~~on~~] parole eligibility date[~~, in a timely manner~~] so that the
7 inmate's release on parole is not delayed due to any uncompleted
8 classes or programs.

9 (b-3) Approximately one year before an inmate's parole
10 eligibility date, the department shall:

11 (1) assess the inmate using the risk and needs
12 assessment instrument adopted under Section 501.0921; and

13 (2) revise the inmate's risk and needs score as
14 necessary to reflect the inmate's completion of programming as
15 required by the inmate's individual treatment plan.

16 (b-4) Subsection (b-3) does not apply to an inmate for whom
17 an individual treatment plan is established under Subsection (b) in
18 the 12-month period preceding the inmate's parole eligibility date.

19 (c) The board shall conduct an initial review of an eligible
20 inmate not later than the 90th [~~180th~~] day after the date of the
21 inmate's admission to the institutional division. The board shall
22 identify any classes or programs that the board intends to require
23 the inmate to complete before the inmate's parole eligibility date
24 [~~releasing the inmate on parole~~]. The department shall provide the
25 inmate with a list of those classes or programs and make those
26 classes available to the inmate before the inmate's parole
27 eligibility date.

1 (e) The institutional division shall:

2 (1) work closely with the board to monitor the
3 progress of the inmate in the institutional division; ~~and~~

4 (2) report the progress to the board before the
5 inmate's release; and

6 (3) revise the inmate's risk level to reflect the
7 inmate's completion of programming as required by the inmate's
8 individual treatment plan.

9 (g) The department shall provide to the board a record of
10 the inmate's progress toward completion of the inmate's individual
11 treatment plan and any other pertinent information related to the
12 inmate's progress toward rehabilitation.

13 SECTION 5. Section 508.144, Government Code, is repealed.

14 SECTION 6. Section 508.1411, Government Code, as amended by
15 this Act, applies only to a decision of a parole panel made on or
16 after the effective date of this Act. A decision of a parole panel
17 made before the effective date of this Act is governed by the law in
18 effect on the date the decision was made, and the former law is
19 continued in effect for that purpose.

20 SECTION 7. As soon as practicable after the effective date
21 of this Act, the Board of Pardons and Paroles shall develop and
22 implement the parole screening tool required by Section 508.1444,
23 Government Code, as added by this Act. Notwithstanding the repeal
24 by this Act of Section 508.144, Government Code, until the parole
25 screening tool is implemented, a parole panel shall continue to
26 operate under the parole guidelines and range of recommended parole
27 approval rates that were in effect immediately before the effective

1 date of this Act, and Section [508.144](#), Government Code, is
2 continued in effect for that purpose.

3 SECTION 8. This Act takes effect September 1, 2021.