

By: Moody, Leach, Thompson of Harris,  
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H.B. No. 213

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to jury instructions regarding parole eligibility and the  
3 release on parole of certain inmates convicted of an offense  
4 committed when younger than 18 years of age; changing parole  
5 eligibility.

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

7 SECTION 1. This Act may be cited as the Senator Eddie Lucio  
8 Jr. Act.

9 SECTION 2. Section 4, Article 37.07, Code of Criminal  
10 Procedure, is amended by adding Subsections (c-1) and (c-2) to read  
11 as follows:

12 (c-1) Notwithstanding any other provision of this section  
13 and except as provided by Subsection (c-2), in the penalty phase of  
14 the trial of an offense described by Section 508.145(d-2)(1)(A),  
15 Government Code, in which the punishment is to be assessed by the  
16 jury rather than the court for a defendant who was younger than 18  
17 years of age at the time the offense was committed, the court shall  
18 charge the jury in writing as follows:

19 "The length of time for which a defendant is imprisoned may be  
20 reduced by the award of parole.

21 "Under the law applicable in this case, the defendant, if  
22 sentenced to a term of imprisonment, may earn early parole  
23 eligibility through the award of good conduct time. Prison  
24 authorities may award good conduct time to a prisoner who exhibits

1 good behavior and diligence in carrying out prison work assignments  
2 and attempting rehabilitation. If a prisoner engages in  
3 misconduct, prison authorities may also take away all or part of any  
4 good conduct time earned by the prisoner.

5 "Under the law applicable in this case, if the defendant is  
6 sentenced to a term of imprisonment, the defendant will not become  
7 eligible for parole until the earlier of (1) the date the  
8 defendant's actual time served plus any good conduct time earned  
9 equals one-fourth of the sentence imposed or 15 years, whichever is  
10 less, or (2) the date the defendant would otherwise be eligible for  
11 release on parole under another provision of Section 508.145,  
12 Government Code. Eligibility for parole does not guarantee that  
13 parole will be granted.

14 "It cannot accurately be predicted how the parole law and  
15 good conduct time might be applied to this defendant if sentenced to  
16 a term of imprisonment, because the application of that law will  
17 depend on decisions made by parole authorities.

18 "You may consider the existence of the parole law and good  
19 conduct time. However, you are not to consider the extent to which  
20 good conduct time may be awarded to or forfeited by this particular  
21 defendant. You are not to consider the manner in which the parole  
22 law may be applied to this particular defendant."

23 (c-2) Notwithstanding any other provision of this section,  
24 in the penalty phase of the trial of a capital felony case in which  
25 the punishment is to be assessed by the jury rather than the court  
26 for a defendant who was younger than 18 years of age at the time the  
27 offense was committed, the court shall charge the jury in writing as

1 follows:

2 "The length of time for which a defendant is imprisoned may be  
3 reduced by the award of parole.

4 "Under the law applicable in this case, if the defendant is  
5 sentenced to a term of imprisonment, the defendant will not become  
6 eligible for parole until the actual time served equals 20 years.  
7 Eligibility for parole does not guarantee that parole will be  
8 granted.

9 "It cannot accurately be predicted how the parole law might  
10 be applied to this defendant if sentenced to a term of imprisonment,  
11 because the application of that law will depend on decisions made by  
12 parole authorities.

13 "You may consider the existence of the parole law. You are  
14 not to consider the manner in which the parole law may be applied to  
15 this particular defendant."

16 SECTION 3. Subchapter E, Chapter 508, Government Code, is  
17 amended by adding Section 508.1415 to read as follows:

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

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

26 (1) the diminished culpability of juveniles, as  
27 compared to that of adults;

1           (2) the hallmark features of youth; and

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

4           (c) The board shall adopt a policy establishing factors for  
5 a parole panel to consider when reviewing for release on parole an  
6 inmate to whom this section applies to ensure that the inmate is  
7 provided a meaningful opportunity to obtain release. The policy  
8 must:

9           (1) consider the age of the inmate at the time of the  
10 commission of the offense as a mitigating factor in favor of  
11 granting release on parole; and

12           (2) permit persons having knowledge of the inmate  
13 before the inmate committed the offense or having knowledge of the  
14 inmate's growth and maturity after the offense was committed to  
15 submit statements regarding the inmate for consideration by the  
16 parole panel.

17           (d) This section does not:

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

21           (2) create a legal cause of action.

22           SECTION 4. Section 508.145, Government Code, is amended by  
23 adding Subsection (d-2) to read as follows:

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

25                   (A) is serving a sentence for:

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

1                    (ii) a first degree felony under Section  
2 71.02, Penal Code; or

3                    (iii) an offense under Section 71.023,  
4 Penal Code; and

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

7                    (2) Notwithstanding any other provision of this  
8 section and except as provided by Subdivision (3), an inmate  
9 described by Subdivision (1) is not eligible for release on parole  
10 until the earlier of:

11                    (A) the date the inmate's actual calendar time  
12 served plus good conduct time equals one-fourth of the sentence or  
13 15 years, whichever is less; or

14                    (B) the date the inmate would otherwise be  
15 eligible for release on parole under another provision of this  
16 section.

17                    (3) An inmate described by Subdivision (1) who is  
18 -serving a life sentence under Section 12.31(a)(1), Penal Code, for  
19 a capital felony is not eligible for release on parole until the  
20 inmate's actual calendar time served, without consideration of good  
21 conduct time, equals 20 years.

22                    SECTION 5. Section 508.145(b), Government Code, is  
23 repealed.

24                    SECTION 6. (a) Sections 4(c-1) and (c-2), Article 37.07,  
25 Code of Criminal Procedure, as added by this Act, apply to a  
26 defendant sentenced for an offense on or after the effective date of  
27 this Act, regardless of when the offense was committed.

1           (b) Section 508.1415, Government Code, as added by this Act,  
2 and Section 508.145, Government Code, as amended by this Act, apply  
3 to any inmate who is confined in a facility operated by or under  
4 contract with the Texas Department of Criminal Justice on or after  
5 the effective date of this Act, regardless of whether the offense  
6 for which the inmate is confined occurred before, on, or after the  
7 effective date of this Act.

8           SECTION 7. This Act takes effect September 1, 2023.