

By: Moody, Leach, Thompson of Harris,  
Buckley, Cook, et al.

H.B. No. 213

Substitute the following for H.B. No. 213:

By: Thompson of Harris

C.S.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 a felony case in which the punishment is to be assessed  
15 by the jury rather than the court for a defendant who was younger  
16 than 18 years of age at the time the offense was committed, the  
17 court shall charge the jury in writing as follows:

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

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

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

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 plus any good  
7 conduct time earned equals one-fourth of the sentence imposed or 15  
8 years, whichever is less. Eligibility for parole does not  
9 guarantee that parole will be granted.

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

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

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

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

27 "Under the law applicable in this case, if the defendant is

1 sentenced to a term of imprisonment, the defendant will not become  
2 eligible for parole until the actual time served equals 20 years.  
3 Eligibility for parole does not guarantee that parole will be  
4 granted.

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

9 "You may consider the existence of the parole law. You are  
10 not to consider the manner in which the parole law may be applied to  
11 this particular defendant."

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

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

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

22 (1) the diminished culpability of juveniles, as  
23 compared to that of adults;

24 (2) the hallmark features of youth; and

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

27 (c) The board shall adopt a policy establishing factors for

1 a parole panel to consider when reviewing for release on parole an  
2 inmate to whom this section applies to ensure that the inmate is  
3 provided a meaningful opportunity to obtain release. The policy  
4 must:

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

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

13 (d) This section does not:

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

17 (2) create a legal cause of action.

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

20 (d-2) This subsection applies only to an inmate who is  
21 serving a sentence for a felony offense committed when the inmate  
22 was younger than 18 years of age. Notwithstanding any other  
23 provision of this section and except as provided by this  
24 subsection, an inmate is not eligible for release on parole until  
25 the inmate's actual calendar time served plus good conduct time  
26 equals one-fourth of the sentence or 15 years, whichever is less.

27 An inmate who is serving a life sentence under Section 12.31(a)(1),

1 Penal Code, for a capital felony is not eligible for release on  
2 parole until the inmate's actual calendar time served, without  
3 consideration of good conduct time, equals 20 years.

4 SECTION 5. The following provisions of the Government Code  
5 are repealed:

6 (1) Section 499.053(d); and

7 (2) Section 508.145(b).

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

12 (b) Section 508.1415, Government Code, as added by this Act,  
13 and Section 508.145, Government Code, as amended by this Act, apply  
14 to any inmate who is confined in a facility operated by or under  
15 contract with the Texas Department of Criminal Justice on or after  
16 the effective date of this Act, regardless of whether the offense  
17 for which the inmate is confined occurred before, on, or after the  
18 effective date of this Act.

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