

By: J. Johnson of Harris

H.B. No. 353

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. Section 508.144(c), Government Code, is amended to read as follows:

(c) Based on the board's review under Subsection (b), the board may:

1 (1) update the guidelines by:

2 (A) including new risk factors; [~~or~~]

3 (B) changing the values of offense severity or
4 risk factor scores; [~~or~~]

5 (C) adjusting the way that the guidelines account
6 for an inmate's progress on the inmate's individual treatment plan;
7 or

8 (D) adjusting the risk level of an inmate based
9 on the inmate's progress on the inmate's individual treatment plan;
10 or

11 (2) modify the range of recommended parole approval
12 rates under the guidelines, if parole approval rates differ
13 significantly from the range of recommended parole approval rates.

14 SECTION 3. Section 508.1445(b), Government Code, is amended
15 to read as follows:

16 (b) The report must include:

17 (1) a brief explanation of the parole guidelines,
18 including how the board:

19 (A) defines the risk factors and offense severity
20 levels; [~~and~~]

21 (B) determines the range of recommended parole
22 approval rates for each guideline score;

23 (C) accounts for an inmate's progress on the
24 inmate's individual treatment plan; and

25 (D) uses the guidelines to make an individualized
26 determination to approve or deny release on parole;

27 (2) a comparison of the range of recommended parole

1 approval rates under the parole guidelines to the actual approval
2 rates for individual parole panel members, regional offices, and
3 the state as a whole; ~~and~~

4 (3) a description of instances in which the actual
5 parole approval rates do not meet the range of recommended parole
6 approval rates under the parole guidelines, an explanation of the
7 variations, and a list of actions that the board has taken or will
8 take to meet the guidelines; and

9 (4) an analysis of parole denials, including the
10 reasons for parole denial and information regarding additional
11 rehabilitative programming recommended for inmates denied release
12 on parole.

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

16 (a) Not later than the 45th ~~[120th]~~ day after the date an
17 inmate is admitted to the institutional division, the department
18 shall obtain all pertinent information relating to the inmate,
19 including:

- 20 (1) the court judgment;
21 (2) any sentencing report;
22 (3) the circumstances of the inmate's offense;
23 (4) the inmate's previous social history and criminal
24 record;

25 (5) the inmate's physical and mental health record;

26 (6) a record of the inmate's conduct, employment
27 history, and attitude in the institutional division; ~~and~~

1 (7) any written comments or information provided by
2 local trial officials or victims of the offense;

3 (8) an evaluation of the educational, rehabilitative,
4 and vocational needs of the inmate; and

5 (9) the results of an assessment made using:

6 (A) the risk and needs assessment instrument
7 adopted under Section 501.0921; or

8 (B) another validated risk and needs assessment
9 adopted by the department.

10 (b) The department shall:

11 (1) not later than the 60th day after the date the
12 department obtains the information required by Subsection (a),
13 establish for the inmate an individual treatment plan and provide
14 the plan to the inmate; and

15 (2) submit the plan to the board at the time of the
16 board's consideration of the inmate's case for release.

17 (b-2) At least once in every 12-month period, the department
18 shall review each inmate's individual treatment plan to assess the
19 inmate's institutional progress and revise or update the plan as
20 necessary and shall revise the inmate's risk and needs assessment
21 score as necessary to reflect the inmate's completion of
22 programming as required by the inmate's individual treatment plan.

23 If the department revises or updates an inmate's individual
24 treatment plan, the department shall provide the inmate with the
25 revised or updated plan as soon as practicable after the
26 department's review of the plan under this subsection. The

27 department shall make reasonable efforts to provide an inmate the

1 opportunity to complete any classes or programs included in the
2 inmate's individual treatment plan[~~, other than classes or programs~~
3 ~~that are to be completed immediately~~] before the inmate's [~~release~~
4 ~~on~~] parole eligibility date[~~, in a timely manner~~] so that the
5 inmate's release on parole is not delayed due to any uncompleted
6 classes or programs.

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

9 (1) assess the inmate using:

10 (A) the risk and needs assessment instrument
11 adopted under Section 501.0921; or

12 (B) another validated risk and needs assessment
13 adopted by the department; and

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

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

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

1 eligibility date.

2 (e) The institutional division shall:

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

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

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

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

14 SECTION 5. 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 6. This Act takes effect September 1, 2023.