

By: Sherman, Sr.

H.B. No. 1064

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the award of good conduct time to certain inmates;  
3 changing parole eligibility.

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

5 SECTION 1. Section 498.003, Government Code, is amended by  
6 amending Subsections (a), (b), (d), and (e) and adding Subsection  
7 (f) to read as follows:

8 (a) Good conduct time applies only to eligibility for parole  
9 or mandatory supervision as provided by Section 508.145 or 508.147  
10 and does not otherwise affect an inmate's term. Good conduct time  
11 is a privilege and not a right. The ~~[Regardless of the~~  
12 ~~classification of an inmate, the]~~ department may grant good conduct  
13 time to an ~~[the]~~ inmate only for:

14 (1) demonstrating good behavior by complying with all  
15 applicable department rules; or

16 (2) diligently participating in a program described by  
17 Subsection (d) or (f) ~~[if the department finds that the inmate is~~  
18 ~~actively engaged in an agricultural, vocational, or educational~~  
19 ~~endeavor, in an industrial program or other work program, or in a~~  
20 ~~treatment program, unless the department finds that the inmate is~~  
21 ~~not capable of participating in such a program or endeavor].~~

22 (b) An inmate accrues good conduct time described by  
23 Subsection (a)(1) according to the inmate's classification in  
24 amounts as follows:

1           (1) 20 days for each 30 days actually served while the  
2 inmate is classified as a trusty, except that the department may  
3 award the inmate not more than 10 extra days for each 30 days  
4 actually served;

5           (2) 20 days for each 30 days actually served while the  
6 inmate is classified as a Class I inmate; and

7           (3) 10 days for each 30 days actually served while the  
8 inmate is classified as a Class II inmate.

9           (d) An inmate may accrue good conduct time, in an amount  
10 determined by the department that does not exceed 15 days for each  
11 30 days actually served, for diligent participation in an  
12 industrial program or other work program or for participation in an  
13 agricultural, educational, ~~[or]~~ vocational, or treatment program  
14 provided to inmates by the department. For the purposes of this  
15 subsection, the term "participation in an educational program"  
16 includes the participation of the inmate as a tutor or a pupil in a  
17 literacy program authorized by Section 501.005. The department may  
18 not award good conduct time under this subsection for participation  
19 in a literacy program unless the department determines that the  
20 inmate participated in good faith and with diligence as a tutor or  
21 pupil.

22           (e) If an inmate was ~~[a person is]~~ confined in a county jail,  
23 the department shall award good conduct time to the inmate ~~[person]~~  
24 up to an amount equal to the amount earned by an inmate in the entry  
25 level time earning class.

26           (f) The department shall award good conduct time to an  
27 inmate ~~[a defendant]~~ for diligently participating, while confined

1 in a county jail, [diligent participation] in a voluntary work  
2 program operated by a sheriff under Article 43.101, Code of  
3 Criminal Procedure, in the same manner as if the inmate had  
4 diligently participated in an industrial program or other work  
5 program provided to inmates by the department. The sheriff of each  
6 county shall have attached a certification of the number of days  
7 each inmate diligently participated in the volunteer work program  
8 operated by the sheriff under Article 43.101, Code of Criminal  
9 Procedure.

10 SECTION 2. Section 508.046, Government Code, is amended to  
11 read as follows:

12 Sec. 508.046. EXTRAORDINARY VOTE REQUIRED. To release on  
13 parole an inmate who was convicted of an offense under Section  
14 20A.03, 21.02, 21.11(a)(1), or 22.021, Penal Code, or who is  
15 serving a sentence under Section 12.42(c)(2), Penal Code [~~required~~  
16 ~~under Section 508.145(c) to serve 35 calendar years before becoming~~  
17 ~~eligible for release on parole]~~, all members of the board must vote  
18 on the release on parole of the inmate, and at least two-thirds of  
19 the members must vote in favor of the release on parole. A member of  
20 the board may not vote on the release unless the member first  
21 receives a copy of a written report from the department on the  
22 probability that the inmate would commit an offense after being  
23 released on parole.

24 SECTION 3. Sections 508.145(b) and (c), Government Code,  
25 are amended to read as follows:

26 (b) An inmate serving a life sentence under Section  
27 12.31(a)(1), Penal Code, for a capital felony is not eligible for

1 release on parole until the actual calendar time the inmate has  
2 served plus good conduct time described by Section 498.003(a)(2),  
3 without consideration of any other good conduct time, equals 40  
4 calendar years.

5 (c) An inmate serving a sentence under Section 12.42(c)(2),  
6 Penal Code, is not eligible for release on parole until the actual  
7 calendar time the inmate has served plus good conduct time  
8 described by Section 498.003(a)(2), without consideration of any  
9 other good conduct time, equals 35 calendar years.

10 SECTION 4. Section 508.145(d)(2), Government Code, is  
11 amended to read as follows:

12 (2) An inmate described by Subdivision (1) is not  
13 eligible for release on parole until the inmate's actual calendar  
14 time served plus good conduct time described by Section  
15 498.003(a)(2), without consideration of any other good conduct  
16 time, equals one-half of the sentence or 30 calendar years,  
17 whichever is less, but in no event is the inmate eligible for  
18 release on parole in less than two calendar years.

19 SECTION 5. The change in law made by this Act applies to any  
20 inmate who is confined in a facility operated by or under contract  
21 with the Texas Department of Criminal Justice on or after the  
22 effective date of this Act, regardless of whether the offense for  
23 which the inmate is confined occurred before, on, or after the  
24 effective date of this Act.

25 SECTION 6. This Act takes effect September 1, 2023.