

By: Hodge

H.B. No. 3377

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of, departure from, and modification of certain parole guidelines and recommended parole approval rates.

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

SECTION 1. Section 508.144, Government Code, is amended by adding Subsections (a-1) and (g) and amending Subsections (b) and (e) to read as follows:

(a-1) The parole guidelines adopted under Subsection (a) must include criteria that are specifically ascertainable in relation to an individual inmate for whom a parole decision is made.

(b) If a board member or parole commissioner deviates from the parole guidelines in voting on a parole decision, the member or parole commissioner shall:

(1) produce a written statement describing in detail:

(A) the specific circumstances regarding the departure from the guidelines, including any parole guideline described by Subsection (a-1); and

(B) any specific actions or steps an inmate who is denied release must take before the inmate is reconsidered in accordance with Section 508.141(g) to have the greatest likelihood of being released on parole on reconsideration;

(2) place a copy of the statement in the file of the inmate for whom the parole decision was made; and

(3) provide a copy of the statement to the inmate.

1 (e) Based on the board's review of the parole guidelines  
2 under Subsection (d), the board may:

3 (1) update the guidelines by:

4 (A) including new risk factors; or

5 (B) changing the values of offense severity or  
6 risk factor scores; or

7 (2) subject to Subsection (g), modify the recommended  
8 parole approval rates under the guidelines, if parole approval  
9 rates differ significantly from the recommended rates.

10 (g) The board may lower a recommended parole approval rate  
11 under Subsection (e)(2) only if the current recommended parole  
12 approval rate threatens the public safety.

13 SECTION 2. (a) The Board of Pardons and Paroles shall  
14 establish the parole guidelines described by Section 508.144(a-1),  
15 Government Code, as added by this Act, not later than January 1,  
16 2010.

17 (b) Section 508.144(b), Government Code, as amended by this  
18 Act, applies only to a parole decision made on or after the  
19 effective date of this Act. A parole decision made before the  
20 effective date of this Act is covered by the law in effect on the  
21 date the decision was made, and the former law is continued in  
22 effect for that purpose.

23 (c) Section 508.144(g), Government Code, as added by this  
24 Act, applies only to the modification of a recommended parole  
25 approval rate that occurs on or after the effective date of this  
26 Act. The modification of a parole approval rate that occurs before  
27 the effective date of this Act is covered by the law in effect when

1 the modification occurred, and the former law continues in effect  
2 for that purpose.

3 SECTION 3. This Act takes effect September 1, 2009.