

## **BILL ANALYSIS**

C.S.H.B. 431  
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Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, provisions of the Government Code require a parole panel considering the release of an inmate to mandatory supervision or parole to adopt a policy designating the date on which the Board of Pardons and Paroles may reconsider that inmate for release if the inmate's release has been previously denied.

Under the policy, the date must fall within a designated month between the first anniversary of the date of the denial and the fifth anniversary of that date. While the law generally requires the inmate's release to be reconsidered as soon after the first anniversary as practicable, certain inmates are expressly excluded from earlier reconsideration because of the severity of the offense for which they were incarcerated. These are the same offenses that are so severe, the inmate is not eligible for release to mandatory supervision but can only be released on parole.

Second and third degree felony offenses of injury to a child are not among those that disqualify inmates from release to mandatory supervision and, therefore, an offender responsible for physical or sexual abuse of a child, even abuse leading to a child's death, may be eligible for reconsideration of release very early in the inmate's period of incarceration.

C.S.H.B. 431 seeks to address this issue by including certain second and third degree felony offenses relating to injury to a child among the offenses that disqualify an inmate from release to mandatory supervision and thereby from earlier reconsideration of release by a parole panel.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 431 reenacts and amends Section 508.149(a), Government Code, as amended by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the 82nd Legislature, Regular Session, 2011, to prohibit the release to mandatory supervision of an inmate who is serving a sentence for or has been previously convicted of a second or third degree felony offense of injury to a child.

### **EFFECTIVE DATE**

September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 431 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

## INTRODUCED

SECTION 1. Section 508.149(a), Government Code, as amended by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

No equivalent provision.

SECTION 3. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. This Act takes effect September 1, 2013.

## HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. The change in law made by this Act in amending Section 508.149(a), Government Code, applies only to the release to mandatory supervision of an inmate serving a sentence for an offense committed on or after the effective date of this Act. The release of an inmate serving a sentence for an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Notwithstanding Section 2 of this Act, the change in law made by this Act in amending Section 508.149(a), Government Code, applies on or after the effective date of this Act to the policy adopted by the Board of Pardons and Paroles under Section 508.141(g), Government Code, concerning the time by which the board must reconsider for release on parole an inmate serving a sentence for an offense listed in Section 508.149(a), Government Code, regardless of whether the inmate is serving a sentence for an offense committed before, on, or after the effective date of this Act.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.