

**House Bill 431**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
SECTION 1. This Act may be cited as Emma's Law.	SECTION 1. Same as House version.	
<p>SECTION 2. 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 to read as follows:</p> <p>(a) An inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of:</p> <p>(1) an offense for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure;</p> <p>(2) a first degree felony or a second degree felony under Section 19.02, Penal Code;</p> <p>(3) a capital felony under Section 19.03, Penal Code;</p> <p>(4) a first degree felony or a second degree felony under Section 20.04, Penal Code;</p> <p>(5) an offense under Section 21.11, Penal Code;</p> <p>(6) a felony under Section 22.011, Penal Code;</p> <p>(7) a first degree felony or a second degree felony under Section 22.02, Penal Code;</p> <p>(8) a first degree felony under Section 22.021, Penal Code;</p> <p>(9) a first degree felony under Section 22.04, Penal Code;</p> <p><u>(9-a) a second degree felony or a third degree felony under Section 22.04, Penal Code, if the victim of the offense is a child;</u></p> <p>(10) a first degree felony under Section 28.02, Penal Code;</p> <p>(11) a second degree felony under Section 29.02, Penal Code;</p> <p>(12) a first degree felony under Section 29.03, Penal Code;</p> <p>(13) a first degree felony under Section 30.02, Penal Code;</p> <p>(14) a felony for which the punishment is increased under Section 481.134 or Section 481.140, Health and Safety Code;</p>	No equivalent provision.	

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<p>(15) an offense under Section 43.25, Penal Code; (16) an offense under Section 21.02, Penal Code; (17) a first degree felony under Section 15.03, Penal Code; (18) an offense under Section 43.05, Penal Code; <del>[or]</del> (19) an offense under Section 20A.02, Penal Code; <u>or</u> <u>(20)</u> <del>(18)</del> an offense under Section 20A.03, Penal Code.</p> <p>SECTION 3. 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.</p> <p>SECTION 4. Notwithstanding Section 3 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.</p> <p>SECTION 5. To the extent of any conflict, this Act prevails</p>	<p>No equivalent provision.</p> <p>No equivalent provision.</p> <p>No equivalent provision.</p>	

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over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

No equivalent provision.

SECTION 2. Section 508.141, Government Code, is amended by amending Subsection (g) and adding Subsection (g-1) to read as follows:

(g) The board shall adopt a policy establishing the date on which the board may reconsider for release an inmate who has previously been denied release. The policy must require the board to reconsider for release:

(1) an inmate serving a sentence for an offense listed in Section 508.149(a) or for an offense punishable as a felony of the second or third degree under Section 22.04, Penal Code, during a month designated under Subsection (g-1) by the parole panel that denied release; and

(2) an inmate other than an inmate described by Subdivision (1) as soon as practicable after the first anniversary of the date of the denial.

(g-1) The [designated] month designated under Subsection (g)(1) by the parole panel that denied release must begin after the first anniversary of the date of the denial and end before the fifth anniversary of the date of the denial. [The policy must require the board to reconsider for release an inmate other than an inmate serving a sentence for an offense listed in Section 508.149(a) as soon as practicable after the first anniversary of the date of the denial.]

No equivalent provision.

SECTION 3. The change in law made by this Act 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

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SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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must reconsider an inmate for release on parole, 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 House version.

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