

By: Moody

H.B. No. 1274

A BILL TO BE ENTITLED

AN ACT

relating to the release on parole of certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility.

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

SECTION 1. Section 499.053(d), Government Code, is amended to read as follows:

(d) A person transferred from the Texas Juvenile Justice Department or a post-adjudication secure correctional facility for the offense of capital murder shall become eligible for parole as provided in Section 508.145(d-2) [~~508.145(d) for an offense listed in Article 42A.054, Code of Criminal Procedure, or an offense for which a deadly weapon finding has been made~~].

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

Sec. 508.046. EXTRAORDINARY VOTE REQUIRED. To release on parole an inmate who was convicted of an offense under Section 20A.03, 21.02, 21.11(a)(1), or 22.021, Penal Code, or who is serving a sentence under Section 12.42(c)(2), Penal Code [~~required under Section 508.145(c) to serve 35 calendar years before becoming eligible for release on parole~~], all members of the board must vote on the release on parole of the inmate, and at least two-thirds of the members must vote in favor of the release on parole. A member of the board may not vote on the release unless the member first

1 receives a copy of a written report from the department on the
2 probability that the inmate would commit an offense after being
3 released on parole.

4 SECTION 3. Subchapter E, Chapter 508, Government Code, is
5 amended by adding Section 508.1415 to read as follows:

6 Sec. 508.1415. ADDITIONAL PAROLE CONSIDERATIONS FOR
7 YOUTHFUL OFFENDERS. (a) This section applies only to the
8 consideration for release on parole of an inmate who:

9 (1) is eligible for release on parole; and

10 (2) was younger than 18 years of age at the time the
11 offense for which the inmate is eligible for release on parole was
12 committed.

13 (b) In determining whether to release an inmate described by
14 Subsection (a) on parole, a parole panel shall assess the growth and
15 maturity of the inmate, taking into consideration:

16 (1) the diminished culpability of juveniles as
17 compared to that of adults; and

18 (2) the hallmark features of youth.

19 (c) In assessing an inmate's growth and maturity, a parole
20 panel shall consider the following information about the inmate:

21 (1) age at the time of the offense;

22 (2) developmental stage at the time of the offense;

23 (3) family and community environment;

24 (4) ability to appreciate the risks and consequences
25 of the conduct;

26 (5) intellectual capacity;

27 (6) if presented to the panel, the outcome of a

1 comprehensive mental health evaluation that is conducted by a
2 disinterested expert unaffiliated with the board, such as a
3 psychiatrist or psychologist, who is qualified by education and
4 clinical training in adolescent mental health issues and that
5 includes:

- 6 (A) family interviews;
- 7 (B) family history;
- 8 (C) prenatal history;
- 9 (D) developmental history;
- 10 (E) medical history;
- 11 (F) history of treatment for substance use;
- 12 (G) social history; and
- 13 (H) a psychological evaluation;
- 14 (7) peer or familial pressure;
- 15 (8) level of participation in the offense;
- 16 (9) inability to effectively communicate with defense
17 counsel or to participate meaningfully in the defense of the case;
- 18 (10) capacity for rehabilitation;
- 19 (11) school records and special education
20 evaluations;
- 21 (12) trauma history;
- 22 (13) faith and community involvement;
- 23 (14) involvement in the child welfare system; and
- 24 (15) any other mitigating factor or circumstance.

25 (d) The board may employ a psychiatrist or psychologist who
26 is qualified by education and clinical training to:

- 27 (1) conduct an evaluation described by Subsection

1 (c)(6), regardless of whether the evaluation is also conducted by a
2 disinterested expert under that subdivision; or

3 (2) assist a parole panel in performing its other
4 duties under this section.

5 (e) The board shall adopt a policy to ensure that an inmate
6 to whom this section applies is provided a meaningful opportunity
7 to obtain release on parole. The policy must allow the following
8 persons having knowledge of the inmate before the inmate committed
9 the offense for which the inmate is eligible for parole or having
10 knowledge of the inmate's growth and maturity after the offense was
11 committed to submit statements regarding the inmate to the parole
12 panel:

13 (1) family members and friends of the inmate;

14 (2) school personnel;

15 (3) faith leaders; and

16 (4) representatives of community-based organizations.

17 SECTION 4. Section 508.145, Government Code, is amended by
18 adding Subsection (d-2) to read as follows:

19 (d-2)(1) This subsection applies only to an inmate who:

20 (A) is serving a sentence for:

21 (i) an offense described by Article
22 42A.054(a), Code of Criminal Procedure;

23 (ii) an offense for which the judgment
24 contains an affirmative finding under Article 42A.054(c) or (d),
25 Code of Criminal Procedure;

26 (iii) an offense for which the punishment
27 is increased under Section 481.134, Health and Safety Code; or

1 (iv) an offense under Section 20A.03,
2 21.02, 71.02, or 71.023, Penal Code; and

3 (B) was younger than 18 years of age at the time
4 the offense was committed.

5 (2) Notwithstanding any other subsection of this
6 section, an inmate described by Subdivision (1) is not eligible for
7 release on parole until the inmate's actual calendar time served,
8 without consideration of good conduct time, equals one-half of the
9 sentence or 20 calendar years, whichever is less, but in no event is
10 the inmate eligible for release on parole in less than two calendar
11 years.

12 SECTION 5. Section 508.145(b), Government Code, is
13 repealed.

14 SECTION 6. The change in law made by this Act applies to any
15 inmate who is confined in a facility operated by or under contract
16 with the Texas Department of Criminal Justice on or after the
17 effective date of this Act, regardless of whether the offense for
18 which the inmate is confined occurred before, on, or after the
19 effective date of this Act.

20 SECTION 7. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2017.