

## **BILL ANALYSIS**

H.B. 4163  
By: Thompson, Senfronia  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Texas law allows judicial clemency for certain persons placed on probation. There have been calls to allow judicial clemency for certain parolees. H.B. 4163 seeks to allow for a judicial procedure for commuting the sentences of certain parolees.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

H.B. 4163 amends the Code of Criminal Procedure to authorize a person released on parole to file a motion with the court in which the person was convicted requesting that the court commute the person's sentence if the person:

- was released on parole not less than 10 years before the date the motion is filed and the release was not revoked at any time during that period; and
- is not required to register as a sex offender under statutory provisions relating to the sex offender registration program.

The bill establishes that the person must submit with the motion information relevant to the person's rehabilitation, including information specified by the bill.

H.B. 4163, with regard to the motion:

- requires the court, on receipt of such a motion, to notify the attorney representing the state in the jurisdiction in which the person was convicted and to request from the Texas Department of Criminal Justice (TDCJ) information related to the conduct of the person while on parole;
- authorizes the attorney representing the state to submit to the court any relevant information;
- authorizes the court to hold a hearing to consider the motion and to take testimony from any person having relevant information;
- requires the court to provide notice of the hearing to the attorney representing the state and allow the attorney to participate in the hearing;
- requires a court, not later than the 180th day after the date a motion is filed, to review the motion, the information obtained from TDCJ or provided by the attorney representing the

state, and any testimony presented at the hearing, if applicable, to determine whether the person who filed the motion meets the eligibility requirements; and

- requires the court to issue an order commuting the person's sentence, if the person is eligible and the court determines that such an order is in the best interest of justice, the public, and the person.

The bill expressly limits the authority of a court to commuting the person's sentence to reflect the time served by the person while confined or released on parole as of the date the order is issued. The bill prohibits the court, in commuting the sentence, from imposing conditions on the issuance of the order or otherwise related to the person's release. The bill establishes that a person who receives such an order of commutation is considered to have fully discharged the person's sentence.

H.B. 4163 amends the Government Code to make a conforming change.

### **EFFECTIVE DATE**

December 1, 2019, if the constitutional amendment authorizing the legislature to enact laws providing for a court to grant a commutation of punishment to a person who has successfully served the required number of years on parole is approved by the voters.