

By: Thompson of Harris

H.B. No. 1271

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the award of good conduct time to certain inmates;
3 changing parole eligibility.

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

5 SECTION 1. Section 498.003, Government Code, is amended by
6 amending Subsections (a), (b), (d), and (e) and adding Subsection
7 (f) to read as follows:

8 (a) Good conduct time applies only to eligibility for parole
9 or mandatory supervision as provided by Section 508.145 or 508.147
10 and does not otherwise affect an inmate's term. Good conduct time
11 is a privilege and not a right. The [~~Regardless of the~~
12 ~~classification of an inmate, the~~] department may grant good conduct
13 time to an [~~the~~] inmate only for:

14 (1) demonstrating good behavior by complying with all
15 applicable department rules; or

16 (2) diligently participating in a program described by
17 Subsection (d) or (f) [~~if the department finds that the inmate is~~
18 ~~actively engaged in an agricultural, vocational, or educational~~
19 ~~endeavor, in an industrial program or other work program, or in a~~
20 ~~treatment program, unless the department finds that the inmate is~~
21 ~~not capable of participating in such a program or endeavor~~].

22 (b) An inmate accrues good conduct time described by
23 Subsection (a)(1) according to the inmate's classification in
24 amounts as follows:

1 (1) 20 days for each 30 days actually served while the
2 inmate is classified as a trusty, except that the department may
3 award the inmate not more than 10 extra days for each 30 days
4 actually served;

5 (2) 20 days for each 30 days actually served while the
6 inmate is classified as a Class I inmate; and

7 (3) 10 days for each 30 days actually served while the
8 inmate is classified as a Class II inmate.

9 (d) An inmate may accrue good conduct time, in an amount
10 determined by the department that does not exceed 15 days for each
11 30 days actually served, for diligent participation in an
12 industrial program or other work program or for participation in an
13 agricultural, educational, ~~[or]~~ vocational, or treatment program
14 provided to inmates by the department. For the purposes of this
15 subsection, the term "participation in an educational program"
16 includes the participation of the inmate as a tutor or a pupil in a
17 literacy program authorized by Section 501.005. The department may
18 not award good conduct time under this subsection for participation
19 in a literacy program unless the department determines that the
20 inmate participated in good faith and with diligence as a tutor or
21 pupil.

22 (e) If an inmate was ~~[a person is]~~ confined in a county jail,
23 the department shall award good conduct time to the inmate ~~[person]~~
24 up to an amount equal to the amount earned by an inmate in the entry
25 level time earning class.

26 (f) The department shall award good conduct time to an
27 inmate ~~[a defendant]~~ for diligently participating, while confined

1 in a county jail, [diligent participation] in a voluntary work
2 program operated by a sheriff under Article 43.101, Code of
3 Criminal Procedure, in the same manner as if the inmate had
4 diligently participated in an industrial program or other work
5 program provided to inmates by the department. The sheriff of each
6 county shall have attached a certification of the number of days
7 each inmate diligently participated in the volunteer work program
8 operated by the sheriff under Article 43.101, Code of Criminal
9 Procedure.

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

12 Sec. 508.046. EXTRAORDINARY VOTE REQUIRED. To release on
13 parole an inmate who was convicted of an offense under Section
14 20A.03, 21.02, 21.11(a)(1), or 22.021, Penal Code, or who is
15 serving a sentence under Section 12.42(c)(2), Penal Code [~~required~~
16 ~~under Section 508.145(c) to serve 35 calendar years before becoming~~
17 ~~eligible for release on parole]~~, all members of the board must vote
18 on the release on parole of the inmate, and at least two-thirds of
19 the members must vote in favor of the release on parole. A member of
20 the board may not vote on the release unless the member first
21 receives a copy of a written report from the department on the
22 probability that the inmate would commit an offense after being
23 released on parole.

24 SECTION 3. Sections 508.145(b) and (c), Government Code,
25 are amended to read as follows:

26 (b) An inmate serving a life sentence under Section
27 12.31(a)(1), Penal Code, for a capital felony is not eligible for

1 release on parole until the actual calendar time the inmate has
2 served plus good conduct time described by Section 498.003(a)(2),
3 without consideration of any other good conduct time, equals 40
4 calendar years.

5 (c) An inmate serving a sentence under Section 12.42(c)(2),
6 Penal Code, is not eligible for release on parole until the actual
7 calendar time the inmate has served plus good conduct time
8 described by Section 498.003(a)(2), without consideration of any
9 other good conduct time, equals 35 calendar years.

10 SECTION 4. Section 508.145(d)(2), Government Code, is
11 amended to read as follows:

12 (2) An inmate described by Subdivision (1) is not
13 eligible for release on parole until the inmate's actual calendar
14 time served plus good conduct time described by Section
15 498.003(a)(2), without consideration of any other good conduct
16 time, equals one-half of the sentence or 30 calendar years,
17 whichever is less, but in no event is the inmate eligible for
18 release on parole in less than two calendar years.

19 SECTION 5. The change in law made by this Act applies to any
20 inmate who is confined in a facility operated by or under contract
21 with the Texas Department of Criminal Justice on or after the
22 effective date of this Act, regardless of whether the offense for
23 which the inmate is confined occurred before, on, or after the
24 effective date of this Act.

25 SECTION 6. This Act takes effect September 1, 2019.