

By: Thompson of Harris

H.B. No. 4163

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a court to grant a commutation of punishment for certain persons released on parole.

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

SECTION 1. Chapter 48, Code of Criminal Procedure, is amended by adding Article 48.07 to read as follows:

Art. 48.07. COMMUTATION FOR CERTAIN PAROLEES. (a) A person released on parole may file a motion with the court in which the person was convicted requesting that the court commute the person's sentence if:

(1) the person was released on parole not less than 10 years before the date the motion is filed;

(2) the person's release on parole was not revoked at any time during the period described by Subdivision (1); and

(3) the person is not required to register as a sex offender under Chapter 62.

(b) The person must submit with the motion information relevant to the person's rehabilitation, including:

(1) the person's employment history while released on parole;

(2) information concerning any educational or training programs completed by the person while confined or released on parole;

(3) information concerning any volunteer activities

1 of the person; and

2 (4) any letters of support for the person's motion.

3 (c) On receipt of a motion under this article, the court  
4 shall:

5 (1) notify the attorney representing the state in the  
6 jurisdiction in which the person was convicted; and

7 (2) request from the Texas Department of Criminal  
8 Justice under Section 508.313, Government Code, information  
9 related to the conduct of the person while on parole.

10 (d) The attorney representing the state may submit to the  
11 court any relevant information.

12 (e) The court may hold a hearing to consider the motion and  
13 may take testimony from the person who submitted the motion or from  
14 any other person having relevant information. If the court holds a  
15 hearing, the court shall provide notice of the hearing to the  
16 attorney representing the state and allow the attorney to  
17 participate in the hearing.

18 (f) Not later than the 180th day after the date a motion is  
19 filed under this article, the court shall review the motion, the  
20 information obtained under Subsection (c)(2) or provided by the  
21 attorney representing the state, and any testimony presented at the  
22 hearing, if applicable, to determine whether the person who filed  
23 the motion meets the eligibility requirements under Subsection (a).  
24 If the person is eligible, the court shall issue an order commuting  
25 the person's sentence if the court determines that it is in the best  
26 interest of justice, the public, and the person.

27 (g) The authority of a court under this article is limited

1 to commuting the person's sentence to reflect the time served by the  
2 person while confined or released on parole as of the date the order  
3 is issued. In commuting the sentence the court may not impose  
4 conditions on the issuance of the order or otherwise related to the  
5 person's release.

6 (h) A person who receives an order of commutation under this  
7 article is considered to have fully discharged the person's  
8 sentence.

9 SECTION 2. Section 508.313(d), Government Code, is amended  
10 to read as follows:

11 (d) In this section, "eligible entity" means:

12 (1) a government agency, including the office of a  
13 prosecuting attorney;

14 (2) an organization with which the department  
15 contracts or an organization to which the department provides a  
16 grant; ~~[or]~~

17 (3) an organization to which inmates are referred for  
18 services by the department; or

19 (4) a court considering a motion under Article 48.07,  
20 Code of Criminal Procedure.

21 SECTION 3. The change in law made by this Act applies to a  
22 person on parole on or after the effective date of this Act,  
23 regardless of whether the person was released on parole before, on,  
24 or after that date.

25 SECTION 4. This Act takes effect December 1, 2019, but only  
26 if the constitutional amendment proposed by the 86th Legislature,  
27 Regular Session, 2019, authorizing the legislature to enact laws

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1 providing for a court to grant a commutation of punishment to a  
2 person who has successfully served the required number of years on  
3 parole is approved by the voters. If that amendment is not approved  
4 by the voters, this Act has no effect.