

By: Lucio

S.B. No. 77

A BILL TO BE ENTITLED

AN ACT

relating to the release on parole of certain youthful offenders;
changing parole eligibility.

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

SECTION 1. Article 42.01991(a), Code of Criminal Procedure,
as effective September 1, 2021, is amended to read as follows:

(a) This article applies only in the trial of an offense
under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, in which:

(1) the defendant enters a plea of guilty; and

(2) the attorney representing the state, the attorney
representing the defendant, and the defendant agree in writing that
the defendant will become eligible for release on parole as
described by Section 508.145(c-1)(2) or (d-2)(2), Government Code,
as applicable.

SECTION 2. Subchapter E, Chapter 508, Government Code, is
amended by adding Section 508.1415 to read as follows:

Sec. 508.1415. ADDITIONAL PAROLE CONSIDERATIONS FOR
YOUTHFUL OFFENDERS. (a) This section applies only to the
consideration for release on parole of an inmate who was younger
than 17 years of age at the time the offense for which the inmate is
eligible for release on parole was committed.

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

1 (1) the diminished culpability of juveniles, as
2 compared to that of adults;

3 (2) the hallmark features of youth; and

4 (3) the greater capacity of juveniles for change, as
5 compared to that of adults.

6 (c) The board shall adopt a policy establishing factors for
7 a parole panel to consider when reviewing for release on parole an
8 inmate to whom this section applies to ensure that the inmate is
9 provided a meaningful opportunity to obtain release. The policy
10 must:

11 (1) consider the age of the inmate at the time of the
12 commission of the offense as a mitigating factor in favor of
13 granting release on parole;

14 (2) permit persons having knowledge of the inmate
15 before the inmate committed the offense or having knowledge of the
16 inmate's growth and maturity after the offense was committed to
17 submit statements regarding the inmate for consideration by the
18 parole panel; and

19 (3) establish a mechanism for the outcome of a
20 comprehensive mental health evaluation conducted by an expert
21 qualified by education and clinical training in adolescent mental
22 health issues to be considered by the parole panel.

23 (d) This section does not:

24 (1) affect the rights granted under this chapter or
25 Article 56A.051, Code of Criminal Procedure, to a victim, guardian
26 of a victim, or close relative of a deceased victim; or

27 (2) create a legal cause of action.

1 SECTION 3. Section 508.145, Government Code, is amended by
2 amending Subsection (b) and adding Subsection (d-2) to read as
3 follows:

4 (b) An inmate serving a life sentence under Section
5 12.31(a)(1), Penal Code, for a capital felony is not eligible for
6 release on parole until the actual calendar time the inmate has
7 served, without consideration of good conduct time, equals 30 [~~40~~]
8 calendar years, except that an inmate serving a life sentence under
9 Section 12.31(a)(1), Penal Code, for a capital felony under Section
10 19.03(a)(1) or (7) of that code is not eligible for release on
11 parole until the actual calendar time the inmate has served,
12 without consideration of good conduct time, equals 40 calendar
13 years.

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

15 (A) is serving a sentence for:

16 (i) a first degree felony described by
17 Article 42A.054(a), Code of Criminal Procedure;

18 (ii) an offense under Section 20A.03 or
19 71.023, Penal Code; or

20 (iii) a first degree felony under Section
21 71.02, Penal Code; and

22 (B) was younger than 17 years of age at the time
23 the offense was committed.

24 (2) Notwithstanding any other provision of this
25 section, an inmate described by Subdivision (1) is not eligible for
26 release on parole until the inmate's actual calendar time served,
27 without consideration of good conduct time, equals 30 calendar

1 years or one-half of the applicable time provided by this section,
2 whichever is less, but in no event is the inmate eligible for
3 release on parole in less than four calendar years unless the inmate
4 would otherwise be eligible for release on parole under another
5 provision of this section.

6 SECTION 4. The change in law made by this Act applies to any
7 inmate who is confined in a facility operated by or under contract
8 with the Texas Department of Criminal Justice on or after the
9 effective date of this Act, regardless of whether the offense for
10 which the inmate is confined occurred before, on, or after the
11 effective date of this Act.

12 SECTION 5. This Act takes effect April 1, 2022.