

## **BILL ANALYSIS**

Senate Research Center  
87R17006 ADM-D

H.B. 465  
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Criminal Justice  
5/14/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

According to the Office of the Attorney General, Texas has an estimated 79,000 minor and youth trafficking victims every year, making Texas second in the nation for the number of human trafficking cases experienced each year. These victims are subject to procurers who not only sell their bodies, but in many cases physically abuse them before and after their sentences. Unlike many other offenses involving victims, human traffickers are not automatically eligible for denial of parole.

H.B. 465 addresses this egregious cycle by eliminating the eligibility for release on parole of certain inmates serving sentences for trafficking offenses involving one or more child victims. The bill gives district attorneys, county attorneys, or other prosecuting attorneys discretion to waive parole for these human trafficking inmates.

H.B. 465 amends current law relating to changing the eligibility for release on parole of certain inmates serving sentences for trafficking offenses involving one or more child victims.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.01991, as follows:

Art. 42.01991. FINDING REGARDING AGREEMENT ON PAROLE ELIGIBILITY FOR CERTAIN DEFENDANTS. (a) Provides that this article applies only in the trial of an offense under Section 20A.02(a)(5) (relating to the offense of child trafficking), (6) (relating to the offense of benefiting from participating in a venture that involves child trafficking), (7) (relating to the offense of child trafficking that results in certain further criminal offenses), or (8) (relating to the offense of benefiting from participating in a venture that involves activity described by Subdivision (7)), 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), Government Code.

(b) Requires the judge, in the trial of an offense to which this article applies, on the motion of the attorney representing the state, to make an affirmative finding of fact that the parties have entered into the agreement described by Subsection (a)(2) and to enter the affirmative finding in the judgment in the case.

SECTION 2. Amends Section 508.145, Government Code, by amending Subsection (a) and adding Subsection (c-1), as follows:

(a) Provides that an inmate is not eligible for release on parole if the inmate is under sentence of death, serving a sentence of life imprisonment without parole, or serving a sentence for any of the following offenses under the Penal Code:

(1) Section 20A.03 (Continuous Trafficking of Persons), if the offense is based partly or wholly on conduct constituting an offense under Section 20A.02(a)(5), (6), (7), or (8);

(2) Section 21.02 (Continuous Sexual Abuse of Young Child or Children); or

(3) Section 22.021 (Aggravated Sexual Assault), if the offense is punishable under Subsection (f) (relating to increasing the minimum term of imprisonment for an offense of aggravated sexual assault to 25 years if certain conditions are met) of that section.

(c-1)(1) Provides that, except as provided by Subdivision (2), an inmate serving a sentence for an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, is not eligible for release on parole.

(2) Provides that an inmate serving a sentence for an offense described by Subdivision (1) for which the judgment in the case contains an affirmative finding under Article 42.01991, Code of Criminal Procedure, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

Makes conforming changes.

SECTION 3. Amends Section 508.145(d)(1), Government Code, as follows:

(d)(1) Provides that this subsection applies only to an inmate who is serving a sentence for an offense described by Article 42A.054(a) (relating to providing that Article 42A.054 (Limitation on Judge-Ordered Community Supervision) does not apply to a defendant adjudged guilty of an certain offenses), Code of Criminal Procedure, other than an offense under Section 19.03 (Capital Murder), Penal Code, or an offense under Chapter 20A (Trafficking of Persons), Penal Code, that is described by Subsection (a)(1) or (c-1)(1). Makes conforming and nonsubstantive changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2021.