87R770 JRR-D

By:  Miles S.B. No. 351

A BILL TO BE ENTITLED

AN ACT

relating to changing the eligibility for release on parole of certain inmates serving sentences for certain offenses involving family violence.

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

SECTION 1.  Article 42.01, Code of Criminal Procedure, is amended by adding Section 16 to read as follows:

Sec. 16.  In addition to the information described by Section 1, the judgment must reflect affirmative findings entered pursuant to Article 42.0135.

SECTION 2.  Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0135 to read as follows:

Art. 42.0135.  FINDING IN CERTAIN FAMILY VIOLENCE ASSAULT CASES. In the trial of an offense under Section 22.01 or 22.02, Penal Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the offense was committed:

(1)  against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; and

(2)  by impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth.

SECTION 3.  Section 508.145, Government Code, is amended by adding Subsection (e-1) to read as follows:

(e-1)  An inmate serving a sentence for an offense for which the judgment contains an affirmative finding under Article 42.0135, 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:

(1)  subject to Subdivision (2), five calendar years or the term to which the inmate was sentenced, whichever is less; or

(2)  if the judgment for the offense also contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure, one-half of the sentence or 30 calendar years, whichever is less, except that notwithstanding Subsection (d)(2) the inmate may not become eligible for release on parole in less than five calendar years.

SECTION 4.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5.  This Act takes effect September 1, 2021.