

1-1 By: Shaheen, et al. (Senate Sponsor - Huffman) H.B. No. 465  
1-2 (In the Senate - Received from the House April 19, 2021;  
1-3 April 19, 2021, read first time and referred to Committee on  
1-4 Criminal Justice; May 20, 2021, reported favorably by the  
1-5 following vote: Yeas 7, Nays 0; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Whitmire</u>	X		
1-9	<u>Huffman</u>	X		
1-10	<u>Bettencourt</u>	X		
1-11	<u>Birdwell</u>	X		
1-12	<u>Hinojosa</u>	X		
1-13	<u>Miles</u>	X		
1-14	<u>Nichols</u>	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to changing the eligibility for release on parole of  
1-18 certain inmates serving sentences for trafficking offenses  
1-19 involving one or more child victims.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 42, Code of Criminal Procedure, is  
1-22 amended by adding Article 42.01991 to read as follows:

1-23 Art. 42.01991. FINDING REGARDING AGREEMENT ON PAROLE  
1-24 ELIGIBILITY FOR CERTAIN DEFENDANTS. (a) This article applies only  
1-25 in the trial of an offense under Section 20A.02(a)(5), (6), (7), or  
1-26 (8), Penal Code, in which:

1-27 (1) the defendant enters a plea of guilty; and

1-28 (2) the attorney representing the state, the attorney  
1-29 representing the defendant, and the defendant agree in writing that  
1-30 the defendant will become eligible for release on parole as  
1-31 described by Section 508.145(c-1)(2), Government Code.

1-32 (b) In the trial of an offense to which this article  
1-33 applies, on the motion of the attorney representing the state, the  
1-34 judge shall make an affirmative finding of fact that the parties  
1-35 have entered into the agreement described by Subsection (a)(2) and  
1-36 shall enter the affirmative finding in the judgment in the case.

1-37 SECTION 2. Section 508.145, Government Code, is amended by  
1-38 amending Subsection (a) and adding Subsection (c-1) to read as  
1-39 follows:

1-40 (a) An inmate is not eligible for release on parole if the  
1-41 inmate is under sentence of death, serving a sentence of life  
1-42 imprisonment without parole, or serving a sentence for any of the  
1-43 following offenses under the Penal Code:

1-44 (1) Section 20A.03, if the offense is based partly or  
1-45 wholly on conduct constituting an offense under Section  
1-46 20A.02(a)(5), (6), (7), or (8);

1-47 (2) [~~serving a sentence for an offense under~~] Section  
1-48 21.02; or

1-49 (3) [~~, Penal Code, or serving a sentence for an offense~~  
1-50 ~~under~~] Section 22.021, if the offense [~~Penal Code, that~~] is  
1-51 punishable under Subsection (f) of that section [~~is not eligible~~  
1-52 ~~for release on parole~~].

1-53 (c-1)(1) Except as provided by Subdivision (2), an inmate  
1-54 serving a sentence for an offense under Section 20A.02(a)(5), (6),  
1-55 (7), or (8), Penal Code, is not eligible for release on parole.

1-56 (2) An inmate serving a sentence for an offense  
1-57 described by Subdivision (1) for which the judgment in the case  
1-58 contains an affirmative finding under Article 42.01991, Code of  
1-59 Criminal Procedure, is not eligible for release on parole until the  
1-60 inmate's actual calendar time served, without consideration of good  
1-61 conduct time, equals one-half of the sentence or 30 calendar years,

2-1 whichever is less, but in no event is the inmate eligible for  
2-2 release on parole in less than two calendar years.

2-3 SECTION 3. Section 508.145(d)(1), Government Code, is  
2-4 amended to read as follows:

2-5 (d)(1) This subsection applies only to an inmate who is  
2-6 serving a sentence for:

2-7 (A) an offense described by Article 42A.054(a),  
2-8 Code of Criminal Procedure, other than an offense under Section  
2-9 19.03, Penal Code, or an offense under Chapter 20A, Penal Code, that  
2-10 is described by Subsection (a)(1) or (c-1)(1);

2-11 (B) an offense for which the judgment contains an  
2-12 affirmative finding under Article 42A.054(c) or (d), Code of  
2-13 Criminal Procedure; or

2-14 (C) ~~[an offense under Section 20A.03, Penal Code,~~  
2-15 ~~or~~

2-16 [~~(D)~~] an offense under Section 71.02 or 71.023,  
2-17 Penal Code.

2-18 SECTION 4. The change in law made by this Act applies only  
2-19 to an offense committed on or after the effective date of this Act.  
2-20 An offense committed before the effective date of this Act is  
2-21 governed by the law in effect on the date the offense was committed,  
2-22 and the former law is continued in effect for that purpose. For  
2-23 purposes of this section, an offense was committed before the  
2-24 effective date of this Act if any element of the offense occurred  
2-25 before that date.

2-26 SECTION 5. This Act takes effect September 1, 2021.

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