

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. 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) the diminished culpability of juveniles, as compared to that of adults;

(2) the hallmark features of youth; and

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

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

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

4 (2) permit persons having knowledge of the inmate
5 before the inmate committed the offense or having knowledge of the
6 inmate's growth and maturity after the offense was committed to
7 submit statements regarding the inmate for consideration by the
8 parole panel; and

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

13 (d) This section does not:

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

17 (2) create a legal cause of action.

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

21 (b) An inmate serving a life sentence under Section
22 12.31(a)(1), Penal Code, for a capital felony is not eligible for
23 release on parole until the actual calendar time the inmate has
24 served, without consideration of good conduct time, equals 30 [~~40~~]
25 calendar years, except that an inmate serving a life sentence under
26 Section 12.31(a)(1), Penal Code, for a capital felony under Section
27 19.03(a)(1) or (7) of that code is not eligible for release on

1 parole until the actual calendar time the inmate has served,
2 without consideration of good conduct time, equals 40 calendar
3 years.

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

5 (A) is serving a sentence for:

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

8 (ii) an offense under Section 20A.03 or
9 71.023, Penal Code; or

10 (iii) a first degree felony under Section
11 71.02, Penal Code; and

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

14 (2) Notwithstanding any other provision of this
15 section, an inmate described by Subdivision (1) is not eligible for
16 release on parole until the inmate's actual calendar time served,
17 without consideration of good conduct time, equals 30 calendar
18 years or one-half of the applicable time provided by this section,
19 whichever is less, but in no event is the inmate eligible for
20 release on parole in less than four calendar years unless the inmate
21 would otherwise be eligible for release on parole under another
22 provision of this section.

23 SECTION 3. The change in law made by this Act applies to any
24 inmate who is confined in a facility operated by or under contract
25 with the Texas Department of Criminal Justice on or after the
26 effective date of this Act, regardless of whether the offense for
27 which the inmate is confined occurred before, on, or after the

1 effective date of this Act.

2 SECTION 4. This Act takes effect January 1, 2022.

President of the Senate

Speaker of the House

I certify that H.B. No. 686 was passed by the House on April 8, 2021, by the following vote: Yeas 110, Nays 39, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 686 on May 30, 2021, by the following vote: Yeas 134, Nays 6, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 686 was passed by the Senate, with amendments, on May 24, 2021, by the following vote: Yeas 29, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor