

By: Moody

H.B. No. 686

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the release on parole of certain inmates convicted of an  
3 offense committed when younger than 18 years of age; changing  
4 parole eligibility.

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

6 SECTION 1. Subchapter E, Chapter 508, Government Code, is  
7 amended by adding Section 508.1415 to read as follows:

8 Sec. 508.1415. ADDITIONAL PAROLE CONSIDERATIONS FOR  
9 YOUTHFUL OFFENDERS. (a) This section applies only to the  
10 consideration for release on parole of an inmate who was younger  
11 than 18 years of age at the time the offense for which the inmate is  
12 eligible for release on parole was committed.

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

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

18 (2) the hallmark features of youth; and

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

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

1 must:

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

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

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

14 (d) The board may employ a psychiatrist, psychologist, or  
15 psychiatric mental health advanced practice registered nurse who is  
16 qualified by education and clinical training in adolescent mental  
17 health issues to:

18 (1) conduct a comprehensive mental health evaluation,  
19 regardless of whether the evaluation is also conducted by an expert  
20 unaffiliated with the board; or

21 (2) assist a parole panel in performing the panel's  
22 duties under this section.

23 (e) 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 2. Section 508.145, Government Code, is amended by  
2 adding Subsection (d-2) to read as follows:

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

4 (A) is serving a sentence for:

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

7 (ii) an offense under Section 20A.03,  
8 21.02, or 71.023, Penal Code; or

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

11 (B) was younger than 18 years of age at the time  
12 the offense was committed.

13 (2) Notwithstanding any other provision of this  
14 section and except as provided by Subdivision (3), an inmate  
15 described by Subdivision (1) is not eligible for release on parole  
16 until the inmate's actual calendar time served, without  
17 consideration of good conduct time, equals 20 calendar years or  
18 one-half of the applicable time provided by this section, whichever  
19 is less, but in no event is the inmate eligible for release on  
20 parole in less than four calendar years unless the inmate would  
21 otherwise be eligible for release on parole under another provision  
22 of this section.

23 (3) An inmate described by Subdivision (1) who is  
24 serving a sentence for a capital felony under Section 19.03(a)(7),  
25 Penal Code, other than an inmate who was found guilty only as a  
26 party under Section 7.02(b), Penal Code, is not eligible for  
27 release on parole until the inmate's actual calendar time served,

1 without consideration of good conduct time, equals 40 calendar  
2 years.

3 SECTION 3. The following provisions of the Government Code  
4 are repealed:

5 (1) Section 499.053(d); and

6 (2) Section 508.145(b).

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

13 SECTION 5. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2021.