

By: Miles

S.B. No. 351

A BILL TO BE ENTITLED

AN ACT

1
2 relating to changing the eligibility for release on parole of
3 certain inmates serving sentences for certain offenses involving
4 family violence.

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

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

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

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

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

18 (1) against a person whose relationship to or
19 association with the defendant is described by Section 71.0021(b),
20 71.003, or 71.005, Family Code; and

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

24 SECTION 3. Section 508.145, Government Code, is amended by

1 adding Subsection (e-1) to read as follows:

2 (e-1) An inmate serving a sentence for an offense for which
3 the judgment contains an affirmative finding under Article 42.0135,
4 Code of Criminal Procedure, is not eligible for release on parole
5 until the inmate's actual calendar time served, without
6 consideration of good conduct time, equals:

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

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

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

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