

House Bill 686
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(3) establish a mechanism for the outcome of a comprehensive mental health evaluation conducted by an expert qualified by education and clinical training in

SENATE VERSION (IE)

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

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

(3) establish a mechanism for the outcome of a comprehensive mental health evaluation conducted by an expert qualified by education and clinical training in

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adolescent mental health issues to be considered by the parole panel.

(d) This section does not:

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

(2) create a legal cause of action.

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

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

(A) is serving a sentence for:

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

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

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

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

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adolescent mental health issues to be considered by the parole panel.

(d) This section does not:

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

(2) create a legal cause of action.

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

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

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

(A) is serving a sentence for:

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

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

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

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

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

(3) An inmate described by Subdivision (1) who is serving a sentence for a capital felony under Section 19.03(a)(7), Penal Code, other than an inmate who was found guilty only as a party under Section 7.02(b), Penal Code, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals 40 calendar years.

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

- (1) Section 499.053(d); and
- (2) Section 508.145(b).

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

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(2) Notwithstanding any other provision of this section, an inmate described by Subdivision (1) is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals 30 calendar years or one-half of the applicable time provided by this section, whichever is less, but in no event is the inmate eligible for release on parole in less than four calendar years unless the inmate would otherwise be eligible for release on parole under another provision of this section. [FA2]

No equivalent provision.

SECTION 3. The change in law made by this Act applies to any inmate who is confined in a facility operated by or under contract with the Texas Department of Criminal Justice on or after the effective date of this Act, regardless of whether the offense for which the inmate is confined occurred before, on, or after the effective date of this Act. [FA1]

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SECTION 5. This Act takes effect January 1, 2022.

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SECTION 4. Same as House version.

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