

BILL ANALYSIS

H.B. 353
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Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Some individuals who are incarcerated in Texas Department of Criminal Justice (TDCJ) facilities cannot enroll in required treatment programs until after they have been approved for release on parole. Therefore, at any given time there are people in TDCJ facilities who have already been approved for release on parole but remain in prison because they have not completed their required treatment. H.B. 353 seeks to address these inefficiencies and remove barriers to parole by, among other provisions: (1) requiring the parole panel to provide, in its written statement, specific actions the person must take to address any factors that led to parole denial; (2) delineating a clear timeline for when TDCJ must create a person's individual treatment plan and provide it to them; and (3) requiring the BPP to identify any required classes or programming that a person must take prior to their first parole eligibility date and requiring TDCJ to make those classes available before that date.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 353 amends the Government Code to revise the duties of the Texas Department of Criminal Justice (TDCJ) regarding inmate individual treatment plans and risk and needs assessments and to revise the duties of parole panels and the Board of Pardons and Paroles (BPP).

With respect to TDCJ duties regarding individual treatment plans, the bill does the following:

- changes the deadline by which TDCJ must obtain all pertinent information relating to an inmate for purposes of the inmate's individual treatment plan from the 120th day after the date the inmate is admitted to the institutional division of TDCJ to the 45th day after the date of admission;
- includes among the information that TDCJ must obtain relating to the inmate:
 - an evaluation of the educational, rehabilitative, and vocational needs of the inmate; and
 - the results of an assessment made using the TDCJ standardized risk and needs test or another validated risk and needs assessment adopted by TDCJ; and
- requires TDCJ to establish the treatment plan and provide the plan to the inmate not later than the 60th day after the date TDCJ obtains the information.

H.B. 353 requires TDCJ to provide the inmate as soon as practicable with a revised or updated individual treatment plan, if applicable, after a required review of the inmate's plan, which TDCJ must perform at least annually. The bill requires TDCJ, in reviewing the plan, to revise the inmate's risk and needs assessment score as necessary to reflect the completion of programming required by the plan. The bill requires TDCJ, approximately one year before an inmate's parole eligibility date, to assess the inmate using the standardized TDCJ risk and needs test or another validated risk and needs assessment adopted by TDCJ, and revise the inmate's risk and needs score as necessary to reflect the completion of programming required by the plan. The assessment requirement does not apply to an inmate for whom a plan is established in the 12-month period preceding the inmate's parole eligibility date.

H.B. 353 revises provisions relating to certain BPP reviews and other actions in preparation for an inmate's parole as follows:

- changes the deadline for the BPP's initial review of an inmate eligible for parole from the 180th day after the date of the inmate's admission to the institutional division to the 90th day after that admission date; and
- revises a provision relating to the inmate's completion of required classes or programs by specifying that the BPP's duty to identify such classes and programs applies with respect to such to be completed before the inmate's parole eligibility date, and requiring TDCJ to make available to the inmate before that date, any classes that the BPP intends to require the inmate to complete.

The bill requires TDCJ to make reasonable efforts to provide an opportunity for the inmate also to complete any classes or programs included in the individual treatment plan before that date.

H.B. 353 requires the institutional division to revise the inmate's risk level to reflect the inmate's completion of programming as required by the individual treatment plan and requires TDCJ to provide to the BPP a record of the inmate's progress toward completion of the plan and any other pertinent information related to the inmate's progress toward rehabilitation.

H.B. 353 requires a parole panel to provide a copy of the statement explaining the panel's decision to grant or deny release of an inmate to the rehabilitation programs division of TDCJ in addition to providing it to the inmate and requires a parole panel that denies release on parole to include in the statement the specific actions the inmate must take to address factors that contributed to the denial of parole. These requirements apply only to a parole panel's decision made on or after the bill's effective date.

H.B. 353 includes the following among the actions the BPP may take in updating the parole guidelines based on an annual review and discussion:

- adjust the way that the guidelines account for an inmate's progress on the inmate's individual treatment plan; and
- adjust the risk level of an inmate based on such progress.

H.B. 353 requires the BPP annual report on parole guidelines to include the following:

- a brief explanation of how the BPP accounts for an inmate's progress on the inmate's individual treatment plan and how the BPP uses the guidelines to make an individualized determination to approve or deny release on parole; and
- an analysis of parole denials that includes specified information.

EFFECTIVE DATE

September 1, 2023.