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H.B. No. 200

A BILL TO BE ENTITLED

AN ACT

relating to jury instructions regarding parole eligibility and the release on parole of certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility.

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

SECTION 1. Section 4, Article 37.07, Code of Criminal Procedure, is amended by adding Subsection (c-1) to read as follows:

(c-1) Notwithstanding any other provision of this section, in the penalty phase of the trial of a felony case in which the punishment is to be assessed by the jury rather than the court for a defendant who was younger than 18 years of age at the time the offense was committed, other than a felony case in which the defendant is found guilty of an offense under Section 19.03(a)(1) or (7), Penal Code, or an offense punishable under Section 22.02(b)(4), Penal Code, the court shall charge the jury in writing as follows:

"The length of time for which a defendant is imprisoned may be reduced by the award of parole.

"Under the law applicable in this case, if the defendant is sentenced to a term of imprisonment, the defendant will not become eligible for parole until the earlier of (1) the date the defendant's actual time served, without consideration of good

1 conduct time, equals 20 years, or (2) the date the defendant would
2 otherwise be eligible for release on parole under other applicable
3 law. Eligibility for parole does not guarantee that parole will be
4 granted.

5 "It cannot accurately be predicted how the parole law might
6 be applied to this defendant if sentenced to a term of imprisonment,
7 because the application of that law will depend on decisions made by
8 parole authorities.

9 "You may consider the existence of the parole law. You are
10 not to consider the manner in which the parole law may be applied to
11 this particular defendant."

12 SECTION 2. Subchapter E, Chapter 508, Government Code, is
13 amended by adding Sections 508.1415 and 508.1451 to read as
14 follows:

15 Sec. 508.1415. ADDITIONAL PAROLE CONSIDERATIONS FOR
16 CERTAIN YOUTHFUL OFFENDERS. (a) This section applies only to the
17 consideration for release on parole of an inmate who was younger
18 than 18 years of age at the time the offense for which the inmate is
19 eligible for release on parole was committed, except that this
20 section does not apply to an inmate serving a sentence for an
21 offense under:

22 (1) Section 19.03(a)(1) or (7), Penal Code; or
23 (2) Section 22.02, Penal Code, that is punishable
24 under Subsection (b)(4) of that section.

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

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

3 (2) the hallmark features of youth; and

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

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

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

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

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

23 (d) 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 Sec. 508.1451. ELIGIBILITY FOR RELEASE ON PAROLE AND
2 COMPUTATION OF PAROLE ELIGIBILITY DATE FOR CERTAIN YOUTHFUL
3 OFFENDERS. (a) This section applies only to an inmate who is
4 serving a sentence for a felony offense committed when the inmate
5 was younger than 18 years of age, except that this section does not
6 apply to an inmate who is serving a sentence for an offense under:

7 (1) Section 19.03(a)(1) or (7), Penal Code; or
8 (2) Section 22.02, Penal Code, that is punishable
9 under Subsection (b)(4) of that section.

10 (b) Notwithstanding Section 508.145, an inmate described by
11 Subsection (a) is not eligible for release on parole until the
12 earlier of:

13 (1) the date the inmate's actual calendar time,
14 without consideration of good conduct time, equals 20 years; or

15 (2) the date the inmate would otherwise be eligible
16 for release on parole under Section 508.145.

17 SECTION 3. Section 508.151(b), Government Code, is amended
18 to read as follows:

19 (b) The presumptive parole date may not be a date that is
20 earlier than the inmate's initial parole eligibility date computed
21 under Section 508.145 or 508.1451.

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

24 (1) Section 499.053(d); and

25 (2) Section 508.145(b).

26 SECTION 5. (a) Section 4(c-1), Article 37.07, Code of
27 Criminal Procedure, as added by this Act, applies to a defendant

1 sentenced for an offense on or after the effective date of this Act,
2 regardless of when the offense was committed.

3 (b) Except as provided by Subsection (c) of this section,
4 Sections 508.1415 and 508.1451, Government Code, as added by this
5 Act, apply to any inmate who is confined in a facility operated by
6 or under contract with the Texas Department of Criminal Justice on
7 or after the effective date of this Act, regardless of whether the
8 offense for which the inmate is confined occurred before, on, or
9 after the effective date of this Act.

10 (c) Sections 508.1415 and 508.1451, Government Code, as
11 added by this Act, do not apply to any inmate who is confined in a
12 facility operated by or under contract with the Texas Department of
13 Criminal Justice on or after the effective date of this Act for an
14 offense under Section 22.02, Penal Code, that was committed before
15 the effective date of this Act if a parole panel or the pardons and
16 paroles division of the Texas Department of Criminal Justice, as
17 applicable, determines that the offense was committed as part of a
18 mass shooting as defined by Section 1.07, Penal Code.

19 SECTION 6. This Act takes effect January 1, 2026.