

By: Cook, Jones of Harris

H.B. No. 3166

Substitute the following for H.B. No. 3166:

By: Cook

C.S.H.B. No. 3166

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a court to grant a commutation of
3 punishment to certain individuals serving a term of imprisonment
4 and to victims' rights regarding a motion to grant a commutation.

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

6 SECTION 1. Title 1, Code of Criminal Procedure, is amended
7 by adding Chapter 53 to read as follows:

CHAPTER 53. JUDICIAL COMMUTATION

9 Art. 53.001. APPLICABILITY. This chapter does not apply to
10 an inmate who is serving a sentence for an offense listed in Article
11 42A.054(a) or for which the judgment contains an affirmative
12 finding under Article 42A.054(c) or (d).

Art. 53.002. MOTION TO GRANT COMMUTATION.

14 Notwithstanding any other law, on motion of the attorney
15 representing the state a court may grant a commutation of
16 punishment in accordance with this chapter for an inmate serving a
17 term of imprisonment.

1 administrative judicial region shall assign the motion to a
2 district court in the county in which the inmate was convicted.

3 (c) Until the court has granted the motion, the attorney
4 representing the state may withdraw the motion. If the motion is
5 withdrawn, the court is prohibited from granting a commutation in
6 the case based on that motion.

7 Art. 53.003. DECISION. (a) In determining whether to grant
8 the motion, the court may consider:

9 (1) the inmate's disciplinary record and record of
10 rehabilitation while imprisoned;

11 (2) evidence that reflects whether the inmate's age,
12 time served, or diminished physical condition has reduced the
13 inmate's risk for committing an offense in the future; and

14 (3) evidence that reflects any change in the inmate's
15 circumstances since the original sentencing such that the inmate's
16 continued imprisonment is no longer in the interest of justice.

17 (b) Notwithstanding any other law, the court may, in
18 granting relief under this chapter, reduce an inmate's sentence to
19 a term that is less than the statutory minimum for the offense that
20 existed at the time of the offense, including by reducing the
21 sentence to time served and ordering the inmate's immediate
22 release.

23 (c) The court may not increase a sentence under this
24 chapter.

25 Art. 53.004. APPEAL. (a) Except as provided by this
26 article, the Texas Rules of Appellate Procedure apply to all
27 hearings and orders under this chapter.

1 (b) Neither the attorney representing the state nor the
2 inmate is entitled to appeal the court's decision to deny a motion
3 under this chapter.

4 SECTION 2. Article [56A.051](#), Code of Criminal Procedure, is
5 amended by amending Subsection (a) and adding Subsection (d) to
6 read as follows:

7 (a) A victim, guardian of a victim, or close relative of a
8 deceased victim is entitled to the following rights within the
9 criminal justice system:

10 (1) the right to receive from a law enforcement agency
11 adequate protection from harm and threats of harm arising from
12 cooperation with prosecution efforts;

13 (2) the right to have the magistrate consider the
14 safety of the victim or the victim's family in setting the amount of
15 bail for the defendant;

16 (3) if requested, the right to be informed in the
17 manner provided by Article [56A.0525](#):

18 (A) by the attorney representing the state of
19 relevant court proceedings, including appellate proceedings, and
20 to be informed if those proceedings have been canceled or
21 rescheduled before the event; and

22 (B) by an appellate court of the court's
23 decisions, after the decisions are entered but before the decisions
24 are made public;

25 (4) when requested, the right to be informed in the
26 manner provided by Article [56A.0525](#):

27 (A) by a peace officer concerning the defendant's

1 right to bail and the procedures in criminal investigations; and
2 (B) by the office of the attorney representing
3 the state concerning the general procedures in the criminal justice
4 system, including general procedures in guilty plea negotiations
5 and arrangements, restitution, and the appeals and parole process;
6 (5) the right to provide pertinent information to a
7 community supervision and corrections department conducting a
8 presentencing investigation concerning the impact of the offense on
9 the victim and the victim's family by testimony, written statement,
10 or any other manner before any sentencing of the defendant;
11 (6) the right to receive information, in the manner
12 provided by Article 56A.0525:
13 (A) regarding compensation to victims of crime as
14 provided by Chapter 56B, including information related to the costs
15 that may be compensated under that chapter and the amount of
16 compensation, eligibility for compensation, and procedures for
17 application for compensation under that chapter;
18 (B) for a victim of a sexual assault, regarding
19 the payment under Subchapter G for a forensic medical examination;
20 and
21 (C) when requested, providing a referral to
22 available social service agencies that may offer additional
23 assistance;
24 (7) the right to:
25 (A) be informed, on request, and in the manner
26 provided by Article 56A.0525, of parole procedures;
27 (B) participate in the parole process;

1 (C) provide to the board for inclusion in the
2 defendant's file information to be considered by the board before
3 the parole of any defendant convicted of any offense subject to this
4 chapter; and

5 (D) be notified in the manner provided by Article
6 56A.0525, if requested, of parole proceedings concerning a
7 defendant in the victim's case and of the defendant's release;

15 (9) the right to the prompt return of any of the
16 victim's property that is held by a law enforcement agency or the
17 attorney representing the state as evidence when the property is no
18 longer required for that purpose;

19 (10) the right to have the attorney representing the
20 state notify the victim's employer, if requested, that the victim's
21 cooperation and testimony is necessary in a proceeding that may
22 require the victim to be absent from work for good cause;

23 (11) the right to request victim-offender mediation
24 coordinated by the victim services division of the department;

25 (12) the right to be informed, in the manner provided
26 by Article [56A.0525](#), of the uses of a victim impact statement and
27 the statement's purpose in the criminal justice system as described

C.S.H.B. No. 3166

1 by Subchapter D, to complete the victim impact statement, and to
2 have the victim impact statement considered:

3 (A) by the attorney representing the state and
4 the judge before sentencing or before a plea bargain agreement is
5 accepted; and

6 (B) by the board before a defendant is released
7 on parole;

16 (14) the right to be informed of any motion to grant a
17 commutation filed under Chapter 53 and to be informed of any
18 hearings or orders under that chapter; and

19 (15) if the offense is a capital felony, the right to:

20 (A) receive by mail from the court a written
21 explanation of defense-initiated victim outreach if the court has
22 authorized expenditures for a defense-initiated victim outreach
23 specialist;

24 (B) not be contacted by the victim outreach
25 specialist unless the victim, guardian, or relative has consented
26 to the contact by providing a written notice to the court; and

(c) designate a victim service provider to

C.S.H.B. No. 3166

1 receive all communications from a victim outreach specialist acting
2 on behalf of any person.

3 (d) If a victim notifies the attorney representing the state
4 that the victim opposes a motion to grant a commutation filed by
5 that attorney under Chapter 53, that attorney shall inform the
6 court of the victim's objections.

7 SECTION 3. This Act takes effect January 1, 2026, but only
8 if the constitutional amendment proposed by the 89th Legislature,
9 Regular Session, 2025, authorizing the legislature to enact laws
10 providing for a court to grant a commutation of punishment to
11 certain individuals serving a term of imprisonment is approved by
12 the voters. If that amendment is not approved by the voters, this
13 Act has no effect.