

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

AN ACT

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

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

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

CHAPTER 53. JUDICIAL COMMUTATION

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

Art. 53.002. MOTION TO GRANT COMMUTATION. (a) Notwithstanding any other law, on motion of the attorney representing the state a court may grant a commutation of punishment in accordance with this chapter for an inmate serving a term of imprisonment.

(b) A motion under this chapter must be filed by the attorney representing the state for the jurisdiction in which the inmate was convicted. The motion may be filed in any district court in the county in which the inmate was convicted. Immediately after a motion is filed, the district clerk shall deliver a copy of the petition to the presiding judge of the administrative judicial region in which the court sits. The presiding judge of the

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5 withdrawn, the court is prohibited from granting a commutation in  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;

8 (8) the right to be provided with a waiting area,  
9 separate or secure from other witnesses, including the defendant  
10 and relatives of the defendant, before testifying in any proceeding  
11 concerning the defendant; if a separate waiting area is not  
12 available, other safeguards should be taken to minimize the  
13 victim's contact with the defendant and the defendant's relatives  
14 and witnesses, before and during court proceedings;

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

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;

8 (13) for a victim of an assault or sexual assault who  
9 is younger than 17 years of age or whose case involves family  
10 violence, as defined by Section 71.004, Family Code, the right to  
11 have the court consider the impact on the victim of a continuance  
12 requested by the defendant; if requested by the attorney  
13 representing the state or by the defendant's attorney, the court  
14 shall state on the record the reason for granting or denying the  
15 continuance; ~~and~~

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

27 (C) designate a victim service provider to

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.