

By: Cook

H.B. No. 3166

A BILL TO BE ENTITLED

AN ACT

1
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:

8 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).

13 Art. 53.002. MOTION TO GRANT COMMUTATION. (a)
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.

18 (b) A motion under this chapter must be filed by the
19 attorney representing the state for the jurisdiction in which the
20 inmate was convicted. The motion may be filed in any district court
21 in the county in which the inmate was convicted.

22 (c) Until the court has granted the motion, the attorney
23 representing the state may withdraw the motion. If the motion is
24 withdrawn, the court is prohibited from granting a commutation in

1 the case based on that motion.

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

4 (1) the inmate's disciplinary record and record of
5 rehabilitation while imprisoned;

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

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

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

18 (c) The court may not increase a sentence under this
19 chapter.

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

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

26 SECTION 2. Article [56A.051](#), Code of Criminal Procedure, is
27 amended by amending Subsection (a) and adding Subsection (d) to

1 read as follows:

2 (a) A victim, guardian of a victim, or close relative of a
3 deceased victim is entitled to the following rights within the
4 criminal justice system:

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

8 (2) the right to have the magistrate consider the
9 safety of the victim or the victim's family in setting the amount of
10 bail for the defendant;

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

13 (A) by the attorney representing the state of
14 relevant court proceedings, including appellate proceedings, and
15 to be informed if those proceedings have been canceled or
16 rescheduled before the event; and

17 (B) by an appellate court of the court's
18 decisions, after the decisions are entered but before the decisions
19 are made public;

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

22 (A) by a peace officer concerning the defendant's
23 right to bail and the procedures in criminal investigations; and

24 (B) by the office of the attorney representing
25 the state concerning the general procedures in the criminal justice
26 system, including general procedures in guilty plea negotiations
27 and arrangements, restitution, and the appeals and parole process;

1 (5) the right to provide pertinent information to a
2 community supervision and corrections department conducting a
3 presentencing investigation concerning the impact of the offense on
4 the victim and the victim's family by testimony, written statement,
5 or any other manner before any sentencing of the defendant;

6 (6) the right to receive information, in the manner
7 provided by Article [56A.0525](#):

8 (A) regarding compensation to victims of crime as
9 provided by Chapter [56B](#), including information related to the costs
10 that may be compensated under that chapter and the amount of
11 compensation, eligibility for compensation, and procedures for
12 application for compensation under that chapter;

13 (B) for a victim of a sexual assault, regarding
14 the payment under Subchapter G for a forensic medical examination;
15 and

16 (C) when requested, providing a referral to
17 available social service agencies that may offer additional
18 assistance;

19 (7) the right to:

20 (A) be informed, on request, and in the manner
21 provided by Article [56A.0525](#), of parole procedures;

22 (B) participate in the parole process;

23 (C) provide to the board for inclusion in the
24 defendant's file information to be considered by the board before
25 the parole of any defendant convicted of any offense subject to this
26 chapter; and

27 (D) be notified in the manner provided by Article

1 56A.0525, if requested, of parole proceedings concerning a
2 defendant in the victim's case and of the defendant's release;

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

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

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

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

20 (12) the right to be informed, in the manner provided
21 by Article 56A.0525, of the uses of a victim impact statement and
22 the statement's purpose in the criminal justice system as described
23 by Subchapter D, to complete the victim impact statement, and to
24 have the victim impact statement considered:

25 (A) by the attorney representing the state and
26 the judge before sentencing or before a plea bargain agreement is
27 accepted; and

1 (B) by the board before a defendant is released
2 on parole;

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

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

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

15 (A) receive by mail from the court a written
16 explanation of defense-initiated victim outreach if the court has
17 authorized expenditures for a defense-initiated victim outreach
18 specialist;

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

22 (C) designate a victim service provider to
23 receive all communications from a victim outreach specialist acting
24 on behalf of any person.

25 (d) If a victim notifies the attorney representing the state
26 that the victim opposes a motion to grant a commutation filed by
27 that attorney under Chapter 53, that attorney shall inform the

1 court of the victim's objections.

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