

## **BILL ANALYSIS**

C.S.H.B. 137  
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Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The scope of judicial clemency is limited by state law to setting aside certain types of convictions and making certain modifications to sentences. Current law is silent, however, on whether parolees may request early termination of their sentences. C.S.H.B. 137 sets out a process by which eligible parolees can request a court to grant early termination and provides for such early termination by the court, subject to certain conditions.

### **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**

C.S.H.B. 137 amends the Code of Criminal Procedure to set out a process by which a court may grant termination of certain parolees' sentences. The bill authorizes a person released on parole to file a motion with the convicting court requesting a termination if the person meets the following eligibility requirements:

- the person was released on parole not less than 10 years before the date the motion was filed and the release was not revoked during that time; and
- the person is not required to register as a sex offender.

The person must submit specified information relevant to the person's rehabilitation with the motion. The bill requires the court, on receipt of the motion, to notify the state's attorney in the jurisdiction in which the person was convicted and to request from the Texas Department of Criminal Justice (TDCJ) information related to the person's conduct while on parole. The state's attorney may submit any relevant information to the court.

C.S.H.B. 137 authorizes the court to hold a hearing to consider the motion and to take testimony from the person who submitted the motion or from any other person having relevant information. A court that holds a hearing must provide notice to the state's attorney and allow the attorney to participate in the hearing. The bill requires the court, not later than the 180th day after the date a motion is filed, to review the motion, the information obtained from TDCJ or provided by the state's attorney, and any testimony presented at the hearing to determine whether the person who filed the motion meets the bill's eligibility requirements for termination. The bill requires the court to issue an order terminating an eligible person's sentence only if the court determines that termination is in the best interest of justice, the public, and the person.

C.S.H.B. 137 expressly limits the authority of a court acting under the bill's provisions to terminating the person's sentence as of the date the order is issued. In terminating the sentence, the court may not impose conditions on the issuance of the order or otherwise related to the person's release. The bill establishes that a person who receives such an order of termination is considered to have fully discharged the person's sentence.

C.S.H.B. 137 amends the Government Code to make a conforming change relating to a court's eligibility to receive certain confidential information when considering a motion to terminate an applicable sentence.

### **EFFECTIVE DATE**

December 1, 2021, if the constitutional amendment authorizing the legislature to enact laws providing for a court to terminate the sentence of a person who has successfully served the required number of years on parole is approved by the voters.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 137 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the authorization in the original for a court to commute a parolee's sentence on the court's determination that it is in the best interest of justice, the public, and the person to an authorization to terminate the parolee's sentence only if it is in the best interest of justice, the public, and the person. The substitute revises the caption to reflect the change from an authorization to commute to an authorization to terminate a parolee's sentence.