

## **BILL ANALYSIS**

Senate Research Center

S.B. 38  
By: Nelson  
Criminal Justice  
2-5-97  
As Filed

### **DIGEST**

Currently, prisoners serving life sentences in Texas penal institutions can be eligible for release on parole before serving their entire sentence. Although the federal Amber Hagerman Child Protection Act strengthened the law relating to sex offenders who victimize children, many convicted sex offenders never serve the entire length of their sentence. S.B. 38 prohibits a prisoner convicted under certain sections of the law from being eligible for release on parole before the prisoner's actual calendar time is served.

### **PURPOSE**

As proposed, S.B. 38 establishes punishments by which defendants convicted of an offense must adhere.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 12.42(d), Penal Code, by adding Subdivision (3), to require a defendant to be punished for life if convicted or previously convicted of an offense under Sections 21.11(a)(1), 22.011(a)(2), or 22.021(a)(2)(B).

SECTION 2. Amends Section 8(b), Article 42.18, Code of Criminal Procedure, by amending Subdivision (3) and by adding Subdivision (6), to prohibit a prisoner, other than a prisoner serving a life sentence imposed under Section 12.42(d)(3), Penal Code, from being eligible for release on parole until his actual calendar time is served. Prohibits a prisoner serving a life sentence imposed under Section 12.42(d)(3), Penal Code, from being eligible for release on parole.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.