

## **BILL ANALYSIS**

Senate Research Center  
83R2275 KCR-D

S.B. 189  
By: Huffman  
Criminal Justice  
4/18/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the Texas Board of Pardons and Paroles (TBPP) has the discretion not to consider offenders convicted of first degree felony injury to a child for parole for up to five years after incarceration. This is commonly known as a "set-back period."

However, in second and third degree felony injury to a child cases TBPP does not have the same discretion to look at the facts of the case and judge whether an offender should have his or her parole eligibility reassessed each year.

When an offender comes up for parole review, victims and their families are often an integral part of the decision-making process. Subjecting victims to an annual review, particularly in cases involving the death of or injury to a child, forces them to relive traumatic and painful experiences needlessly.

S.B. 189 grants TBPP the discretion to not consider an inmate convicted of second or third degree felony injury to a child for parole for up to five years after incarceration. It allows TBPP to consider the risk to the public, the severity of the crimes committed, and the progress made in rehabilitation programs by the inmate when determining whether the inmate should receive his or her first parole hearing.

In more serious cases, in which TBPP decides to delay the first parole hearing two, three, four, or five years, the families of the victims would have more time to grieve and heal before enduring the parole review process.

As proposed, S.B. 189 amends current law relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Reenacts and amends Section 508.149(a), Government Code, as amended by Chapter 1 (S.B. 24) and 122 (H.B. 3000), Acts of the 82nd Legislature, Regular Session, 2011, to prohibit an inmate from being released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of a second degree felony or a third degree felony under Section 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual), Penal Code, if the victim of the offense is a child.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Provides that, to the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. Effective date: September 1, 2013.