

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 686
By: Moody et al. (Lucio)
Criminal Justice
5/19/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Although experts recognize that teenagers are not fully developed adults, juveniles convicted of serious crimes often face very long sentences in prison before being eligible for parole. Such long timelines do not take into account the potential for change that adolescents still have, as illustrated by the efforts many inmates who entered the criminal justice system as teenagers have made to rehabilitate themselves through educational and other programs while incarcerated, yet still face extremely long timelines before they are eligible to prove their rehabilitation before a parole board.

H.B. 686 creates an opportunity for a second look at the rehabilitation of these inmates by reducing the length of time before certain youth offenders are eligible for parole. For the one percent of inmates who are incarcerated for crimes they committed before the age of 18, the bill specifies that the first date they are eligible for parole is after serving one-half the time they would otherwise have to serve under current law. Importantly, the bill does not guarantee the release of these inmates; it would simply allow an earlier opportunity for the inmates to demonstrate their rehabilitation and fitness for parole, and direct the parole board to take into consideration that the crime was committed when the inmate was a juvenile. H.B. 686 will give youthful offenders who have turned their lives around in prison another chance to become contributing members to society outside the prison walls.

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 686 amends current law relating to the release on parole of certain youthful offenders and changes parole eligibility.

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. Amends Subchapter E, Chapter 508, Government Code, by adding Section 508.1415, as follows:

Sec. 508.1415. **ADDITIONAL PAROLE CONSIDERATIONS FOR YOUTHFUL OFFENDERS.** (a) Provides that this section applies only to the consideration for release on parole of an inmate who was younger than 17 years of age at the time the offense for which the inmate is eligible for release on parole was committed.

(b) Requires a parole panel, in determining whether to release an inmate described by Subsection (a) on parole, to assess the growth and maturity of the inmate, taking into consideration:

- (1) the diminished culpability of juveniles, as compared to that of adults;
- (2) the hallmark features of youth; and

(3) the greater capacity of juveniles for change, as compared to that of adults.

(c) Requires the Texas Board of Pardons and Paroles (BPP) to adopt a policy establishing factors for a parole panel to consider when reviewing for release on parole an inmate to whom this section applies to ensure that the inmate is provided a meaningful opportunity to obtain release. Requires that the policy:

(1) consider the age of the inmate at the time of the commission of the offense as a mitigating factor in favor of granting release on parole;

(2) permit persons having knowledge of the inmate before the inmate committed the offense or having knowledge of the inmate's growth and maturity after the offense was committed to submit statements regarding the inmate for consideration by the parole panel; and

(3) establish a mechanism for the outcome of a comprehensive mental health evaluation conducted by an expert qualified by education and clinical training in adolescent mental health issues to be considered by the parole panel.

(d) Provides that this section does not:

(1) affect the rights granted under Chapter 508 (Parole and Mandatory Supervision) or Article 56A.051 (General Rights), Code of Criminal Procedure, to a victim, guardian of a victim, or close relative of a deceased victim; or

(2) create a legal cause of action.

SECTION 2. Amends Section 508.145, Government Code, by amending Subsection (b) and adding Subsection (d-2), as follows:

(b) Provides that an inmate serving a life sentence under Section 12.31(a)(1) (relating to imprisonment for life if an individual committed a capital felony when younger than 18 years of age and the state is not seeking the death penalty), Penal Code, for a capital felony is not eligible for release on parole until the actual calendar time the inmate has served, without consideration of good conduct time, equals 30 calendar years, rather than 40 calendar years, except that an inmate serving a life sentence under Section 12.31(a)(1), Penal Code, for a capital felony under Section 19.03(a)(1) or (7) (relating to murdering a peace officer or fireman on duty or murdering more than one person under certain conditions) of that code is not eligible for release on parole until the actual calendar time the inmate has served without consideration of good conduct time, equals 40 calendar years.

(d-2)(1) Provides that this subsection applies only to an inmate who:

(A) is serving a sentence for:

(i) a first degree felony described by Article 42A.054(a) (relating to providing that Article 42A.053 (Judge-Ordered Community Supervision) does not apply to a defendant adjudged guilty of certain offenses), Code of Criminal Procedure;

(ii) an offense under Section 20A.03 (Continuous Trafficking of Persons) or 71.023 (Directing Activities of Criminal Street Gangs), Penal Code; or

(iii) a first degree felony under Section 71.02 (Engaging in Organized Criminal Activity), Penal Code; and

(B) was younger than 17 years of age at the time the offense was committed.

(2) Provides that, notwithstanding any other provision of this section, an inmate described by Subdivision (1) is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals 20 calendar years or one-half of the applicable time provided by this section, whichever is less, but in no event is the inmate eligible for release on parole in less than four calendar years unless the inmate would otherwise be eligible for release on parole under another provision of this section.

SECTION 3. Provides that the change in law made by this Act applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. Effective date: January 1, 2022.