

BILL ANALYSIS

C.S.H.B. 686
By: Moody
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are thousands of juveniles who were tried as adults for capital and first degree felonies and who are currently serving lengthy prison sentences and are ineligible for parole until late adulthood. It has been noted that juveniles do not have the same capacity as adults to appreciate the consequences of their actions and cannot be held accountable in the same manner as adult offenders. Additionally, it has been suggested that juveniles are likely to be different people in adulthood, and while paroling a youthful offender who becomes a mature adult equipped to successfully reenter society may be equitable, current law often makes it unavailable for decades later than appropriate. C.S.H.B. 686 seeks to address these issues by requiring parole panels to consider certain factors relating to growth and maturity when making release decisions for inmates who were younger than 18 years of age when they committed the applicable offense and by changing parole eligibility for inmates serving a sentence for certain capital or first degree felonies committed when younger than 18 years of age.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 686 amends the Government Code to require a parole panel, in determining whether to release on parole an inmate who was younger than 18 years of age at the time the applicable offense was committed, to assess the inmate's growth and maturity, taking the following into consideration:

- the diminished culpability of juveniles, as compared to that of adults;
- the hallmark features of youth; and
- the greater capacity of juveniles for change, as compared to that of adults.

C.S.H.B. 686 requires the Board of Pardons and Paroles (BPP) to adopt a policy establishing factors for a parole panel to consider when reviewing such an inmate for release on parole to ensure that the inmate is provided a meaningful opportunity to obtain release. The policy must do the following:

- consider the inmate's age at the time of the commission of the offense as a mitigating factor in favor of granting release on parole;

- permit persons having knowledge of the inmate before the inmate committed the offense or 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
- 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.

These provisions expressly do not create a legal cause of action or affect the rights granted to a victim, guardian of a victim, or close relative of a deceased victim under provisions relating to parole and mandatory supervision or to crime victims' rights.

C.S.H.B. 686 makes an inmate who is serving a sentence for certain capital or first degree felony offenses committed when the inmate was younger than 18 years of age ineligible 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 computed under parole eligibility provisions, whichever is less. The bill establishes that 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 those provisions. The bill makes such an inmate who is serving a sentence for a capital murder offense in which more than one person was murdered during the same criminal transaction or pursuant to the same scheme or course of conduct, other than an inmate who was found guilty only as a party under the law of parties, ineligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals 40 calendar years.

C.S.H.B. 686 applies to any inmate who is confined in a facility operated by or under contract with the Texas Department of Criminal Justice on or after the bill's effective date, regardless of whether the offense for which the inmate is confined occurred before, on, or after the bill's effective date.

C.S.H.B. 686 repeals Sections 499.053(d) and 508.145(b), Government Code, which establish parole eligibility of a person transferred from the Texas Juvenile Justice Department or a post-adjudication secure correctional facility for capital murder and of an inmate serving a life sentence for a capital felony committed when the inmate was younger than 18 years of age, respectively.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 686 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 does not include a provision authorizing the BPP to employ a psychiatrist, psychologist, or qualifying psychiatric mental health advanced practice registered nurse to conduct a mental health evaluation or assist a parole panel with its duties under the bill.