

## **BILL ANALYSIS**

Senate Research Center  
83R29160 PEP-D

C.S.H.B. 431  
By: Riddle et al. (Huffman)  
Criminal Justice  
5/16/2013  
Committee Report (Substituted)

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

Currently, the Texas Board of Pardons and Paroles (BPP) 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 BPP 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.

C.S.H.B. 431 amends current law relating to reconsideration of parole eligibility for certain inmates convicted of injury to a child, elderly person, or disabled person.

### **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. Authorizes this Act to be cited as Emma's Law.

SECTION 2. Amends Section 508.141, Government Code, by amending Subsection (g) and adding Subsection (g-1), as follows:

(g) Requires the policy establishing the date on which the Texas Board of Pardons and Paroles (BPP) may consider for release an inmate who has previously been denied release to require BPP to reconsider for release:

(1) an inmate serving a sentence for an offense listed in Section 508.149(a) (prohibiting an inmate from being released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of certain felonies) or for an offense punishable as a felony of the second or third degree under Section 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual), Penal Code, during a month designated under Subsection (g-1) by the parole panel that denied release; and

(2) an inmate other than an inmate described by Subdivision (1) as soon as practicable after the first anniversary of the date of the denial.

(g-1) Creates this subsection from existing text. Requires that the month designated under Subsection (g)(1) by the parole panel that denied release, rather than requires the designated month, begin after the first anniversary of the date of the denial and end before the fifth anniversary of the date of the denial. Deletes existing text requiring the

policy to require BPP to reconsider for release an inmate other than an inmate serving a sentence for an offense listed in Section 508.149(a) as soon as practicable after the first anniversary of the date of the denial.

SECTION 3. Provides that the change in law made by this Act applies on or after the effective date of this Act to the policy adopted by BPP under Section 508.141(g), Government Code, concerning the time by which BPP is required to reconsider an inmate for release on parole, regardless of whether the inmate is serving a sentence for an offense committed before, on, or after the effective date of this Act.

SECTION 4. Effective date: upon passage or September 1, 2013.