

BILL ANALYSIS

H.B. 1279
By: Allen
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the language contained in the instructions provided to the jury for a felony case may be inaccurate and misleading with regard to the applicability of good conduct time credits for a defendant. Concerns have been raised that these instructions may influence jurors to impose a higher sentence to account for what they believe will be various opportunities for an early release from prison. H.B. 1279 seeks to address this by revising the language contained in jury instructions regarding parole eligibility.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

H.B. 1279 amends the Code of Criminal Procedure to remove language relating to time off the period of incarceration imposed through the award of good conduct time from the jury instructions in the penalty phase of a trial of a felony case in which the defendant has been found guilty of an applicable offense or in which the judgment contains an affirmative finding regarding the use or exhibition of a deadly weapon with respect to certain offenses. The bill replaces such jury instruction language with language relating to early parole eligibility through the award of good conduct time. The bill applies to a defendant sentenced for an offense on or after the effective date of the bill, regardless of when the offense was committed.

EFFECTIVE DATE

September 1, 2019.