

BILL ANALYSIS

C.S.H.B. 2352
By: Parker
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Individuals reentering the community from prison or jail face significant challenges in finding stable employment, which increases the likelihood of recidivism. In response, House Bill 3130 was passed in 2017, which established a pilot program to provide educational and vocational training, employment, and reentry services to certain defendants. C.S.H.B. 2352 seeks to build on this work and grant certain inmates convicted of certain drug-related offenses early release on parole, which is contingent on the completion of an educational and vocational training pilot program.

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 rulemaking authority is expressly granted to the Board of Pardons and Paroles and the Texas Department of Criminal Justice in SECTION 4 of this bill.

ANALYSIS

C.S.H.B. 2352 amends the Code of Criminal Procedure to remove a condition that a judge may impose on a state jail felony defendant being placed on community supervision requiring the defendant to submit to confinement in a state jail felony facility for a term not to exceed 90 days at the beginning of the community supervision.

C.S.H.B. 2352 amends the Government Code to authorize a parole panel to release an inmate on parole approximately 180 days before the date the inmate would otherwise be eligible for release if the inmate meets the following criteria:

- is serving a sentence for an offense under the Texas Controlled Substances Act that is punishable as a third degree felony;
- has not previously been convicted of a felony for an offense against the person or for public indecency or organized crime; and
- the inmate's eligibility for parole is computed according to when the inmate's actual calendar time served plus good conduct time equals one-fourth of the sentence imposed or 15 years, whichever is less.

C.S.H.B. 2352 requires a parole panel releasing such an inmate on parole to require as a condition of the early release that the inmate participate in the Texas Department of Criminal Justice (TDCJ) educational and vocational training pilot program, to begin immediately following the inmate's release on parole. The bill does the following with respect to this early release and program participation:

- requires TDCJ, for the purpose of a parole panel's consideration for early release on parole, to annually identify not fewer than 100 eligible inmates for early release who are suitable candidates for participation in the program;
- requires the Board of Pardons and Paroles (BPP) and TDCJ to jointly adopt rules for identifying these inmates, which must require the BPP or TDCJ to notify an inmate of their consideration for early release on parole;
- requires the BPP to adopt rules governing the early release of an inmate on parole under the bill's provisions; and
- clarifies that an inmate who is considered for but not granted early release under the bill's provisions must be considered for release on parole on the date that the inmate otherwise would have been considered for release on parole.

The bill sets a minimum of two sites with respect to the requirement for TDCJ to identify sites in Texas where its educational and vocational training pilot program will operate and requires TDCJ to select sites based on where the program will have the greatest likelihood of success, regardless of geographic region or population size.

C.S.H.B. 2352 requires the Office of Court Administration of the Texas Judicial System (OCA) to develop and annually provide a training program to educate and inform judges on the components of the TDCJ educational and vocational training pilot program.

C.S.H.B. 2352 repeals Article 42A.562(d), Code of Criminal Procedure.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2352 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 changes the offense for which an otherwise qualified inmate is serving a sentence that renders the inmate eligible for early release on parole under the bill's provisions from a third degree felony offense other than an offense against the person, public indecency, or organized crime, as in the original, to an offense under the Texas Controlled Substances Act punishable as a third degree felony.

The substitute includes a requirement not in the original for the rules adopted for identifying inmates eligible for early release on parole to require the BPP or TDCJ to notify an inmate that the inmate is being considered for that early release. The substitute includes a provision not in the original clarifying that an inmate who is considered for but not granted early release under the bill's provisions must be considered for release on parole on the date that the inmate otherwise would have been considered for release on parole.

The substitute includes a provision not in the original requiring OCA to develop and annually provide a training program to educate and inform judges on the components of the TDCJ educational and vocational training pilot program.