

SUBJECT: Allowing a court to terminate a parolee's sentence under certain conditions

COMMITTEE: Corrections — favorable, without amendment

VOTE: 7 ayes — Herrero, Kacal, Allen, V. Jones, R. Lopez, Murr, Sherman

0 nays

2 absent — Swanson, Toth

WITNESSES: For — Renee Monroe, Tx CURE Inc (*Registered, but did not testify*: Terra Tucker, Alliance for Safety and Justice; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Charlie Malouff, Texas C.U.R.E., Inc.; Shea Place, Texas Criminal Defense Lawyers' Association; Sarah Mae Jennings, Texas Fair Defense Project; Thomas Parkinson)

Against — None

BACKGROUND: Some have suggested that state law should include a process for parolees to request early termination of their sentences under certain conditions.

DIGEST: HB 182 would allow a person released on parole to file a motion requesting that the court terminate the person's sentence if:

- the person had been released on parole at least 10 years before the motion was filed;
- the person's release on parole had not been revoked at any time; and
- the person was not required to register as a sex offender.

The person would have to submit relevant information to the person's rehabilitation with the motion, including:

- the person's employment history while released on parole;

- information concerning any educational or training programs completed while confined or released on parole;
- information concerning any volunteer activities of the person; and
- any letters of support for the motion.

On receipt of such a motion, the court would be required to notify the attorney representing the state in the jurisdiction in which the person was convicted and request information from the Texas Department of Criminal Justice related to the conduct of the person while on parole. The attorney could submit any relevant information to the court.

The court could hold a hearing to consider the motion and take testimony from the person who submitted the motion or from any other person with relevant information. If the court held a hearing, the court would be required to provide notice of the hearing to the attorney representing the state and allow the attorney to participate in the hearing.

By the 180th day after a motion was filed, the court would be required to review the motion, certain relevant information provided by the person or the state's attorney, and any testimony presented at the hearing, if applicable, to determine whether the person who filed the motion met the eligibility requirements to have their sentence terminated. If the person was eligible, the court would be required to issue an order terminating the person's sentence only if the court determined that it was in the best interest of justice, the public, and the person.

The authority of the court would be limited to terminating the person's sentence as of the date the order was issued. In terminating the sentence, the court could not impose conditions on the issuance of the order or otherwise related to the person's release. A person who received an order of termination would be considered to have fully discharged the person's sentence.

The bill would add a court considering a motion under these provisions to the entities authorized to request certain confidential information for a law enforcement, prosecutorial, correctional, or treatment purpose.

The bill would apply to a person on parole on or after the bill's effective date, regardless of when the person was released on parole.

The bill would take effect December 1, 2023, but only if the constitutional amendment proposed by the 88th Legislature authorizing the Legislature to enact laws providing for a court to terminate the sentence of a person who had successfully served the required number of years on parole was approved by the voters. If that amendment was not approved by the voters, the bill would have no effect.

NOTES:

HB 182 is the enabling legislation for HJR 11 by S. Thompson, which was received by the Senate on May 3.