

## **BILL ANALYSIS**

Senate Research Center

H.B. 547  
By: Culberson (Patterson)  
Criminal Justice  
5-13-97  
Engrossed

### **DIGEST**

In 1994, the U.S. Congress passed the Truth in Sentencing Act, which provided for \$1 billion in criminal justice grants for construction, operation, and maintenance of prisons and other rehabilitative programs to all states who qualify. Currently, Texas does not qualify. The one major factor that Texas lacks in order to qualify is a law that requires violent felons to serve at least 85 percent of their sentence in prison before being considered for parole. H.B. 547 amends the Code of Criminal Procedure to require that all third degree felons serve at least 85 percent of their sentence before being considered for parole.

### **PURPOSE**

As proposed, H.B. 547 provides for the eligibility for release on parole of certain inmates serving sentences for violent offenses.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 8(b)(3) and (5), Article 42.18, Code of Criminal Procedure, to provide that if a prisoner is serving a sentence for certain offenses, or if the judgment contains certain affirmative findings, the prisoner is not eligible for release on parole until the prisoner's actual calender time served, without consideration of good conduct time, equals 85 percent of the sentence imposed. Deletes existing text regarding ineligibility for release on parole until time served equals one half of the maximum sentence or 30 calender years, with certain exceptions. Makes a conforming change.

SECTION 2. Amends Section 8(m), Article 42.18, Code of Criminal Procedure, to authorize a prisoner serving a sentence for an offense for which parole eligibility is otherwise determined under Subsection (b)(3) to become eligible for special needs parole at a date earlier than the date calculated under Subsection (b)(3), as designated by a parole panel, if the prisoner is 65 years of age or older; has served 60 percent of the prisoner's sentence in calender time; and is determined by the parole panel to no longer constitute a threat to the victim of the prisoner's offense or to the public at large. Makes conforming changes.

SECTION 3. Amends Section 4(a), Article 37.07, Code of Criminal Procedure, to make conforming changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. (a) Prohibits this Act from being implemented until the later of certain dates, including the date on which the attorney general or other attorney representing the interests of the state in the matter of Ruiz v. Collins certifies to the governor that no federal court retains jurisdiction to enforce the final judgment entered in that case on December 11, 1992; or September 1, 1999, but only if an Act of the 76th Legislature, Regular Session, 1999 does not repeal this Act.

(b) Requires certain individuals, after jointly reviewing the capacity of the facilities of the

Texas Department of Criminal Justice and the sentencing patterns relating to certain offenses, to report to the legislature not later than December 1, 1998, on the effect of those factors on the law as amended by this Act.

SECTION 6. Emergency clause.

Effective date: upon passage.