



HB 353: 'Common-Sense Parole' by Rep. Jarvis Johnson Frequently Asked Questions

1. What is the overall intention of HB 353?

HB 353 seeks to improve Texas' parole process by requiring faster information collection, earlier access to rehabilitative programs, reevaluations of rehabilitation based on programming completion, and more transparency around programming and parole denials – all without changing the Parole Board's discretion in parole determinations.

2. How does HB 353 improve the current timeframe that the Texas Department of Criminal Justice (TDCJ) has to obtain information about an incarcerated person – including their court judgment, sentencing report, circumstances of their offense, and other pertinent information?

Currently, TDCJ must obtain all pertinent information relating to an incarcerated person *within 120 days from when that person is admitted into TDCJ*. HB 353 changes that timeframe to *no later than the 45th day from when the person is first admitted into TDCJ*. Additionally, HB 353 requires an evaluation of the incarcerated person's educational, rehabilitative, and vocational needs, as well as the results from a risk and needs assessment, to be collected within that 45-day timeframe.

3. How does HB 353 help ensure that everyone inside TDCJ receives their Individual Treatment Plan (ITP) in a timely manner?

No language within the current statute defines when a person who first enters TDCJ will receive their ITP. HB 353 adds language stating that *no later than the 60th day after TDCJ receives the incarcerated person's initial information*, TDCJ will establish *and* provide an ITP to that person.

4. How does HB 353 help ensure that an incarcerated individual receives their updated or revised ITP?

HB 353 adds language stating that if TDCJ revises or updates a person's ITP, *TDCJ must provide that person with their updated or revised ITP as soon as practicable*.

5. How does HB 353 address individuals' access to programming as it relates to TDCJ?

Under current law, TDCJ is to make reasonable efforts to provide an incarcerated person with the opportunity to complete any classes or programs listed in their ITP, *other than classes or programs that are to be completed immediately before the person's release on parole*, in a timely manner. HB 353 makes this

process more efficient by requiring TDCJ to provide an incarcerated person with the opportunity to complete *any* classes or programs in their ITP **before the person's parole eligibility date.**

6. How does HB 353 address individuals' access to programming as it relates to the Board of Pardons and Paroles?

Currently, the Parole Board must conduct its initial review of an incarcerated individual **no later than the 180th day after that person has been admitted into TDCJ.** Additionally, the Board must identify any classes or programs it intends to require that person to complete **before releasing the person on parole.**

HB 353 states that, instead of the Board conducting its initial review within 180 days of a person's admittance into TDCJ, the initial review must be done **no later than the 90th day after a person is admitted.** Additionally, HB 353 requires the Board to identify any classes or programs it intends the person to complete **before the inmate's parole eligibility date,** and it **requires TDCJ to make those classes available to the person before that parole eligibility date.**

7. How does HB 353 affect parole determinations?

Currently, when a parole panel denies someone's parole, the panel is only required, in its written statement to the person, to explain the decision and the reasons for the decision. The notification will state that the person has been denied parole and that the denial reason is (for example) 2D - Nature of Offense, or any combination of the listed denial reasons.

HB 353 requires the parole panel to complete this same written statement but also provide **specific actions that the person must take** to address the factors contributing to their denial of parole.

8. How does HB 353 improve transparency around parole determinations?

As part of the existing annual report produced by the Parole Board, HB 353 would require the report to explain how the Board **accounts for a person's progress on their ITP, as well as how the parole guidelines were used to make an individualized determination when approving or denying parole, and provide an analysis of parole denials.**

9. How will HB 353 allow for a more accurate picture of a person's progress while in TDCJ?

HB 353 will better account for a person's rehabilitative progress in TDCJ by allowing the Parole Board to adjust its parole guidelines in light of that person's progress on their ITP. Additionally, HB 353 will create a requirement that **within one year of a person's parole eligibility date,** TDCJ must evaluate the person using a risk and needs assessment and revise the person's risk and needs score to reflect the completion of programming listed in their ITP.

10. Does HB 353 mandate release on parole or remove any powers related to the Parole Board and parole determinations?

No. HB 353 does not mandate release or remove the Parole Board's discretion to make its parole determinations.