By: _____ H.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the Board of Pardons and Paroles, including the appointment of members who are victims of crime or close relatives of deceased victims.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 508.031, Government Code, is amended by adding Subsection (c) to read as follows:

(c) At least two members of the board must be victim members appointed under Section 508.032(f).

SECTION 2. Section 508.032, Government Code, is amended by amending Subsection (a) and adding Subsections (f), (g), and (h) to read as follows:

(a) Board members must be representative of the general public. A victim member appointed under Subsection (f) is representative of the general public for purposes of this subsection.

(f) A person is eligible for appointment as a victim

member if:

(1) the person is a victim, or a close relative of a deceased victim, of a qualifying offense;

(2) the offender who committed the qualifying offense was convicted of that offense, whether on a plea of guilty or nolo contendere or after trial; and

(3) the person's eligibility under this subsection has been established by attestation as provided by Subsection (g).

For purposes of this subsection:

(A) "qualifying offense" means an offense listed in Article 42A.054(a), Code of Criminal Procedure, or an offense for which an affirmative finding was entered under Article 42A.054(b), (c), or (d), Code of Criminal Procedure;

(B) "close relative of a deceased victim" has the meaning assigned by Chapter 56A, Code of Criminal Procedure, and includes a stepparent of the victim who married the victim's parent while the victim was a minor; and

(C) "victim" means a person against whom the qualifying offense was committed.

(g) Before appointing a person as a victim member, the

governor shall verify the person's eligibility under Subsection (f) by attestation obtained from the Victim Services Division of the department or from the attorney representing the state in the prosecution of the qualifying offense. An appointment under Subsection (f) shall be publicly identified as a victim member appointment. Information obtained under this subsection concerning the facts of the qualifying offense or the underlying criminal case may not be disclosed by the governor, the senate, the department, or the attorney representing the state, except as the appointee consents in writing or as otherwise required by law.

(h) A victim member is a member of the board for all purposes, including participation and voting in clemency matters, subject only to the recusal requirements of Section 508.0451. Failure to continue to satisfy the eligibility criteria of Subsection (f) after appointment is not a ground for removal from office under Section 508.034; eligibility under Subsection (f) is determined at the time of appointment.

SECTION 3. Subchapter C, Chapter 508, Government Code, is amended by adding Section 508.0451 to read as follows:

Sec. 508.0451. RECUSAL OF VICTIM MEMBER. (a) A victim member may not participate in, deliberate on, or vote in any matter concerning:

(1) the offender who committed the qualifying offense against the member or the member's family member;

(2) a co-defendant or other party to that offense; or

(3) an offender in whose case the member has submitted a protest or victim impact statement or has testified in any capacity.

(b) In a matter considered by a panel under Section 508.045, the presiding officer shall substitute another member or a parole commissioner for the recused member.

(c) In a matter under Section 508.046, a member's recusal under this section does not reduce the number of affirmative votes required by that section.

(d) This section does not alter an offender's rights in any revocation or release proceeding, including rights under Section 508.045 or other law.

SECTION 4. (a) The change in law made by this Act applies only to an appointment to the Board of Pardons and Paroles for a term beginning on or after the effective

date of this Act. A member of the board serving on the effective date of this Act continues to serve for the remainder of the member's term.

(b) The governor shall designate appointments as terms expire under Section 508.037, Government Code, so that the requirement of Section 508.031(c), Government Code, as added by this Act, is satisfied at the earliest staggered expirations of terms consistent with that section.

SECTION 5. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 6. This Act takes effect September 1, 2027.