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2019 FACT SHEET

HB 1279

Correct Inaccuracies in Jury Instructions *Eliminate False or Misleading Jury Instructions That Lead to Excessive and Disproportionate Sentences*

INACCURATE LANGUAGE IN TEXAS CODE MUST BE REVISED TO ENSURE CONFORMITY WITH STATE PAROLE STATUTES

Following a defendant's conviction in a felony case, jurors are given a statutorily required statement regarding the possibility of parole and how "good time" credits (credits for good behavior and engagement in rehabilitative activity) might be applied to reduce the person's length of incarceration. **These instructions contain false and misleading information for a significant proportion of people convicted of felonies, which can influence jurors to impose a higher sentence to account for what they believe will be various opportunities for an early release from prison.**

In at least one section of statute, the jury instructions state that good time credits may reduce the time of confinement for a certain set of aggravated offenses, despite the fact that people convicted of these offenses are statutorily ineligible for good time credits. Further, the jury instructions misstate the effect of good time credits for those eligible to receive them. Sections 508.145 and 508.147 of the Government Code provide that good time credits only apply when an individual may be eligible for parole; they do not otherwise affect an inmate's term.

IN SHORT

HB 1279 will revise the Texas Code of Criminal Procedure to ensure that jury sentencing instructions are accurate and consistent with existing law, which will prevent the imposition of overly harsh sentences.

KEY FINDINGS

- **Good time credits cannot reduce an individual's term of incarceration but merely impact the parole eligibility date.**
- Of the 78,974 individuals considered for parole release in 2017, only 27,595 were approved, a parole release rate of less than 35%.¹
- Juries deserve accurate information when considering the term of confinement to prevent the imposition of overly harsh sentences.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 1279 BY REPRESENTATIVE ALLEN

HB 1279 simply revises inaccurate and misleading language in jury instructions by ensuring that statutory language is correct and conforms to Texas' state parole statutes. This bill eliminates reference to good time credits for offenses that are not eligible for such credits, and it clarifies that only parole, not good time credits, can reduce the term of confinement.

¹ Texas Board of Pardons and Paroles, *Annual Statistical Report FY 2017*, 6, <https://www.tdcj.texas.gov/bpp/publications/FY%202017%20AnnualStatistical%20Report.pdf>.