

[2019 Session] Eliminate False or Misleading Jury Instructions That Lead to Excessive and Disproportionate Sentences

Policy Background

When someone is convicted of a felony offense by a jury in Texas, the jury receives a statutorily required statement regarding the possibility of parole and how “good time” credits (credits for good behavior and attempts at rehabilitation) might be applied to reduce the person’s length of incarceration.¹ These instructions contain false and misleading information for a significant proportion of people convicted of felonies. For instance, someone convicted of an aggravated offense must serve one-half of his or her sentence without consideration of good time before becoming eligible for parole review.² Furthermore, good time credits cannot reduce the term of incarceration but merely impact the parole eligibility date. And importantly, the chances of being released on parole are less than 35 percent for people serving time in Texas prisons, so even those who *are* eligible for parole are unlikely to be granted parole on their first review.³ False and misleading jury instructions can influence jurors to impose a higher sentence to account for what they believe will be various opportunities for an early release from prison.

Proposed Solution

Revise Texas’ Code of Criminal Procedure to ensure that jury sentencing instructions conform to state parole and “good time” credit statutes.

Relevant Bill

- **Bill Number:** [HB 1279](#) [Allen | Sponsor: Menéndez]
Bill Caption: Relating to jury instructions regarding parole eligibility.
TCJE Materials: [Fact Sheet](#)
House Hearing Notice: [Criminal Jurisprudence, March 18, 2019](#)
TCJE House Action: [Testimony in support](#)
House Hearing Video: [Criminal Jurisprudence, 3/18/19](#)
Senate Hearing Notice: [Criminal Justice, May 8, 2019](#)

TCJE Senate Action: [Card in support](#)

Senate Hearing Video: [Criminal Justice, 5/8/19](#)

Signed by the Governor; effective on 9/1/2019

¹ Texas Code of Criminal Procedure, Article 37.07, Section 4.

² Texas Government Code, Section 508.145 (d)(1).

³ Texas Board of Pardons and Paroles, [Annual Statistical Report FY 2017](#), 5.