

By: Leach, Rodriguez

H.B. No. 3598

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to increasing the minimum term of imprisonment and  
3 changing the eligibility for community supervision, mandatory  
4 supervision, and parole for persons convicted of intoxication  
5 manslaughter.

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

7 SECTION 1. Section 49.08(b), Penal Code, is amended to read  
8 as follows:

9 (b) Except as provided by Section 49.09, an offense under  
10 this section is a felony of the second degree with a minimum term of  
11 imprisonment of five years.

12 SECTION 2. Article 42A.401, Code of Criminal Procedure, is  
13 amended by amending Subsection (a) and adding Subsection (c) to  
14 read as follows:

15 (a) A judge granting community supervision to a defendant  
16 convicted of an offense under Chapter 49, Penal Code, shall require  
17 as a condition of community supervision that the defendant submit  
18 to:

19 (1) not less than 72 hours of continuous confinement  
20 in county jail if the defendant was punished under Section  
21 49.09(a), Penal Code;

22 (2) not less than five days of confinement in county  
23 jail if the defendant was punished under Section 49.09(a), Penal  
24 Code, and was subject to Section 49.09(h), Penal Code;

1 (3) not less than 10 days of confinement in county jail  
2 if the defendant was punished under Section 49.09(b), Penal Code;

3 (4) not less than 30 days of confinement in county jail  
4 if the defendant was convicted of an offense under Section 49.07,  
5 Penal Code; or

6 (5) subject to Subsection (c), a term of imprisonment  
7 in the Texas Department of Criminal Justice [~~confinement~~] of not  
8 less than five years [~~120 days~~] if the defendant was convicted of an  
9 offense under Section 49.08, Penal Code.

10 (c) A judge granting community supervision to a defendant  
11 who was convicted of an offense under Section 49.08, Penal Code, may  
12 reduce the minimum term of imprisonment required under Subsection  
13 (a)(5) to a minimum term of imprisonment of not less than two years  
14 if the judge:

15 (1) makes a finding that the best interest of the  
16 community would be served and the public would not be harmed by the  
17 reduction; and

18 (2) enters that finding on the record.

19 SECTION 3. Section 508.145, Government Code, is amended by  
20 adding Subsection (e-1) to read as follows:

21 (e-1) An inmate serving a sentence under Section 49.08,  
22 Penal Code, is not eligible for release on parole until the actual  
23 calendar time served, without consideration of good conduct time,  
24 equals five years.

25 SECTION 4. Section 508.147, Government Code, is amended by  
26 amending Subsection (a) and adding Subsection (a-1) to read as  
27 follows:

1           (a) Except as provided by Subsection (a-1) and Section  
2 508.149, a parole panel shall order the release of an inmate who is  
3 not on parole to mandatory supervision when the actual calendar  
4 time the inmate has served plus any accrued good conduct time equals  
5 the term to which the inmate was sentenced.

6           (a-1) An inmate serving a sentence under Section 49.08,  
7 Penal Code, may not be released to mandatory supervision unless:

8                   (1) the inmate's actual calendar time served, without  
9 consideration of good conduct time, equals at least five years; and

10                   (2) the inmate is otherwise eligible for release under  
11 Subsection (a).

12           SECTION 5. The changes in law made by this Act apply only to  
13 an offense committed on or after the effective date of this Act. An  
14 offense committed before the effective date of this Act is governed  
15 by the law in effect on the date the offense was committed, and the  
16 former law is continued in effect for that purpose. For purposes of  
17 this section, an offense was committed before the effective date of  
18 this Act if any element of the offense occurred before that date.

19           SECTION 6. This Act takes effect September 1, 2021.