

Amend CSHB 2668 as follows:

(1) Strike SECTIONS 1,2, and 3 and substitute the following:

SECTION 1. Sections 15(a) and (c), Article 42.12, Code of Criminal Procedure, are amended to read as follows:

(a)(1) On conviction of a state jail felony under Section 481.115(b), 481.1151(b)(1), 481.116(b), 481.121(b)(3), or 481.129(g)(1), Health and Safety Code, that is punished under Section 12.35(a), Penal Code, the judge shall suspend the imposition of the sentence and place the defendant on community supervision, unless the defendant has previously been convicted of a felony, in which event the judge may suspend the imposition of the sentence and place the defendant on community supervision or may order the sentence to be executed.

(2) On conviction of a state jail felony punished under Section 12.35(a), Penal Code, other than a state jail felony listed in Subdivision (1), the judge may suspend the imposition of the sentence and place the defendant on community supervision or may order the sentence to be executed.

(3) The judge may suspend in whole or in part the imposition of any fine imposed on conviction.

(c)(1) A judge may impose any condition of community supervision on a defendant that the judge could impose on a defendant placed on supervision for an offense other than a state jail felony, except that the judge may impose on the defendant a condition that the defendant submit to a period of confinement in a county jail under Section 5 or 12 of this article only if the term does not exceed 90 days.

(2) Except as otherwise provided by Subdivision (3), a judge who places a defendant on community supervision for an offense listed in Subsection (a)(1) shall require the defendant to comply with substance abuse treatment conditions that are consistent with standards adopted by the Texas Board of Criminal Justice under Section 509.015, Government Code.

(3) A judge is not required to impose conditions described by Subdivision (2) if the judge makes an affirmative finding that the defendant does not require imposition of the conditions to successfully complete the period of community

supervision.

(2) On page 6, line 18, strike "4" and substitute "2".

(3) Strike SECTIONS 5 and 6 and substitute the following:

SECTION 3. Not later than October 1, 2003, the Drug Demand Reduction Advisory Committee created under Chapter 461, Health and Safety Code, shall inform in writing each court having jurisdiction over offenses listed in Section 15(a)(1), Article 42.12, Code of Criminal Procedure, as added by this Act, and the office of each attorney representing the state charged with prosecuting those offenses of:

(1) the changes in law made by this Act; and

(2) the availability of grants and other sources of revenue to assist in providing treatment as required by conditions of community supervision imposed under Section 15(c)(2), Article 42.12, Code of Criminal Procedure, as added by this Act.

SECTION 4. This Act takes effect September 1, 2003, and applies to any case in which a judgment has not been entered before the effective date of this Act. A case in which a judgment has been entered before the effective date of this Act is covered by the law in effect when the judgment is entered, and the former law is continued in effect for that purpose.