

By: Hochberg

H.B. No. 210

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting jury-recommended or deferred adjudication
community supervision for a defendant convicted of murder.

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

SECTION 1. Section 4(d), Article 42.12, Code of Criminal
Procedure, is amended to read as follows:

(d) A defendant is not eligible for community supervision
under this section if the defendant:

(1) is sentenced to a term of imprisonment that
exceeds 10 years;

(2) is sentenced to serve a term of confinement under
Section 12.35, Penal Code;

(3) does not file a sworn motion under Subsection (e)
of this section or for whom the jury does not enter in the verdict a
finding that the information contained in the motion is true;
~~or~~

(4) is adjudged guilty of an offense for which
punishment is increased under Section 481.134(c), (d), (e), or (f),
Health and Safety Code, if it is shown that the defendant has been
previously convicted of an offense for which punishment was
increased under any one of those subsections; or

(5) is adjudged guilty of an offense under Section
19.02, Penal Code.

SECTION 2. Section 5(d), Article 42.12, Code of Criminal

1 Procedure, is amended to read as follows:

2 (d) In all other cases the judge may grant deferred
3 adjudication unless:

4 (1) the defendant is charged with an offense:

5 (A) under Section 19.02, 49.04, 49.05, 49.06,
6 49.07, or 49.08, Penal Code; or

7 (B) for which punishment may be increased under
8 Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it
9 is shown that the defendant has been previously convicted of an
10 offense for which punishment was increased under any one of those
11 subsections; or

12 (2) the defendant:

13 (A) is charged with an offense under Section
14 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the
15 victim, or a felony described by Section 13B(b) of this article;
16 and

17 (B) has previously been placed on community
18 supervision for any offense under Paragraph (A) of this
19 subdivision.

20 SECTION 3. (a) The change in law made by this Act applies
21 only to an offense committed on or after the effective date of this
22 Act. For purposes of this section, an offense is committed before
23 the effective date of this Act if any element of the offense occurs
24 before the effective date.

25 (b) An offense committed before the effective date of this
26 Act is covered by the law in effect when the offense was committed,
27 and the former law is continued in effect for that purpose.

1 SECTION 4. This Act takes effect September 1, 2003.