

AN ACT

relating to participation by a defendant in a state boot camp program.

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

SECTION 1. Section 8(a), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(a) For the purposes of this section, the jurisdiction of a court in which a sentence requiring imprisonment in the institutional division of the Texas Department of Criminal Justice is imposed for conviction of a felony shall continue for 180 [~~90~~] days from the date on which the convicted person is received into custody by the institutional division. After the expiration of 75 days but prior to the expiration of 180 [~~90~~] days from the date on which the convicted person is received into custody by the institutional division, the judge of the court that imposed the sentence may suspend further execution of the sentence imposed and place the person on community supervision under the terms and conditions of this article, if in the opinion of the judge the person would not benefit from further imprisonment. The court shall clearly indicate in its order recommending the placement of the person in the state boot camp program that the court is not retaining jurisdiction over the person for the purposes of Section 6 of this article. A court may recommend a person for placement in the state boot camp program only if:

1 (1) the person is otherwise eligible for community
2 supervision under this article;

3 (2) the person is 17 years of age or older but younger
4 than 26 years and is physically and mentally capable of
5 participating in a program that requires strenuous physical
6 activity; and

7 (3) the person is not convicted of an offense
8 punishable as a state jail felony.

9 SECTION 2. Sections 499.052(a) and (d), Government Code,
10 are amended to read as follows:

11 (a) The institutional division shall establish a program to
12 confine persons who are required to serve not more than 180 [~~90~~]
13 days in the institutional division as a condition of a sentence
14 imposed under Section 8, Article 42.12, Code of Criminal Procedure.
15 The institutional division may limit the number of persons
16 participating in the program.

17 (d) The institutional division shall adopt rules of conduct
18 for persons participating in the program under this section. If the
19 institutional division determines that a person is not complying
20 with the rules or is medically or psychologically unsuitable for
21 the program, the division shall end the person's participation in
22 the program and request the sentencing court to reassume custody of
23 the person. If the court does not reassume custody and remove the
24 person from the institutional division before the 12th day after
25 the date the division notifies the court, the division shall
26 transfer the person from the program to any unit within the division
27 for the duration of the person's sentence or until further order of

1 the court, provided the order is entered before the expiration of
2 the 180 days from the date the execution of sentence actually
3 begins. If on the 181st [~~90th~~] day after a person begins
4 participation in the program the court has not suspended the
5 imposition of the person's sentence of confinement, the
6 institutional division shall transfer the person from the program
7 to any unit within the division.

8 SECTION 3. (a) The change in law made by this Act applies
9 only to a defendant convicted of an offense committed on or after
10 the effective date of this Act. For purposes of this section, an
11 offense is committed before the effective date of this Act if any
12 element of the offense occurs before the effective date.

13 (b) A defendant convicted of an offense committed before the
14 effective date of this Act is covered by the law in effect when the
15 offense was committed, and the former law is continued in effect for
16 that purpose.

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

H.B. No. 1180

President of the Senate

Speaker of the House

I certify that H.B. No. 1180 was passed by the House on April 14, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1180 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor