

1-1 By: Chisum (Senate Sponsor - Duncan) H.B. No. 1180
1-2 (In the Senate - Received from the House April 14, 2003;
1-3 April 22, 2003, read first time and referred to Committee on
1-4 Criminal Justice; May 21, 2003, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 21, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to participation by a defendant in a state boot camp
1-9 program.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 8(a), Article 42.12, Code of Criminal
1-12 Procedure, is amended to read as follows:

1-13 (a) For the purposes of this section, the jurisdiction of a
1-14 court in which a sentence requiring imprisonment in the
1-15 institutional division of the Texas Department of Criminal Justice
1-16 is imposed for conviction of a felony shall continue for 180 [~~90~~]
1-17 days from the date on which the convicted person is received into
1-18 custody by the institutional division. After the expiration of 75
1-19 days but prior to the expiration of 180 [~~90~~] days from the date on
1-20 which the convicted person is received into custody by the
1-21 institutional division, the judge of the court that imposed the
1-22 sentence may suspend further execution of the sentence imposed and
1-23 place the person on community supervision under the terms and
1-24 conditions of this article, if in the opinion of the judge the
1-25 person would not benefit from further imprisonment. The court
1-26 shall clearly indicate in its order recommending the placement of
1-27 the person in the state boot camp program that the court is not
1-28 retaining jurisdiction over the person for the purposes of Section
1-29 6 of this article. A court may recommend a person for placement in
1-30 the state boot camp program only if:

1-31 (1) the person is otherwise eligible for community
1-32 supervision under this article;

1-33 (2) the person is 17 years of age or older but younger
1-34 than 26 years and is physically and mentally capable of
1-35 participating in a program that requires strenuous physical
1-36 activity; and

1-37 (3) the person is not convicted of an offense
1-38 punishable as a state jail felony.

1-39 SECTION 2. Sections 499.052(a) and (d), Government Code,
1-40 are amended to read as follows:

1-41 (a) The institutional division shall establish a program to
1-42 confine persons who are required to serve not more than 180 [~~90~~]
1-43 days in the institutional division as a condition of a sentence
1-44 imposed under Section 8, Article 42.12, Code of Criminal Procedure.
1-45 The institutional division may limit the number of persons
1-46 participating in the program.

1-47 (d) The institutional division shall adopt rules of conduct
1-48 for persons participating in the program under this section. If the
1-49 institutional division determines that a person is not complying
1-50 with the rules or is medically or psychologically unsuitable for
1-51 the program, the division shall end the person's participation in
1-52 the program and request the sentencing court to reassume custody of
1-53 the person. If the court does not reassume custody and remove the
1-54 person from the institutional division before the 12th day after
1-55 the date the division notifies the court, the division shall
1-56 transfer the person from the program to any unit within the division
1-57 for the duration of the person's sentence or until further order of
1-58 the court, provided the order is entered before the expiration of
1-59 the 180 days from the date the execution of sentence actually
1-60 begins. If on the 181st [~~90th~~] day after a person begins
1-61 participation in the program the court has not suspended the
1-62 imposition of the person's sentence of confinement, the
1-63 institutional division shall transfer the person from the program
1-64 to any unit within the division.

2-1 SECTION 3. (a) The change in law made by this Act applies
2-2 only to a defendant convicted of an offense committed on or after
2-3 the effective date of this Act. For purposes of this section, an
2-4 offense is committed before the effective date of this Act if any
2-5 element of the offense occurs before the effective date.

2-6 (b) A defendant convicted of an offense committed before the
2-7 effective date of this Act is covered by the law in effect when the
2-8 offense was committed, and the former law is continued in effect for
2-9 that purpose.

2-10 SECTION 4. This Act takes effect September 1, 2003.

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