

By: Dunnam

H.B. No. 1672

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the imposition of community supervision on a defendant  
3 convicted of a state jail felony.

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

5 SECTION 1. Section 15(a), Article 42.12, Code of Criminal  
6 Procedure, is amended to read as follows:

7 (a)(1) On conviction of a state jail felony punished under  
8 Section 12.35(a), Penal Code, the judge may suspend the imposition  
9 of the sentence and place the defendant on community supervision or  
10 may order the sentence to be executed. The judge may suspend in  
11 whole or in part the imposition of any fine imposed on conviction.

12 (2) A jury that imposes confinement under Section  
13 12.35(a), Penal Code, as punishment for a state jail felony may  
14 recommend to the judge that the judge suspend the imposition of the  
15 sentence and place the defendant on community supervision. A judge  
16 shall suspend the imposition of the sentence and place the  
17 defendant on community supervision if the jury makes that  
18 recommendation in the verdict. A defendant is eligible for  
19 community supervision under this subsection only if before the  
20 trial begins the defendant files a written sworn motion with the  
21 judge that the defendant has not previously been convicted of a  
22 felony in this or any other state and the jury enters in the verdict  
23 a finding that the information in the defendant's motion is true.

24 SECTION 2. The change in law made by this Act applies only

1 to the trial of a state jail felony that begins on or after the  
2 effective date of this Act. The trial of a state jail felony that  
3 begins before the effective date of this Act is covered by the law  
4 in effect when the trial began, and the former law is continued in  
5 effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2003.