

By: Alonzo

H.B. No. 2287

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to community supervision granted to certain defendants  
3 using or exhibiting a deadly weapon in connection with a criminal  
4 offense.

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

6 SECTION 1. Section 3g(b), Article 42.12, Code of Criminal  
7 Procedure, is amended to read as follows:

8 (b) If there is an affirmative finding under Subsection  
9 (a)(2) in the trial of a felony of the second degree or higher that  
10 the defendant [~~deadly weapon~~] used or exhibited [~~was~~] a deadly  
11 weapon [~~firearm~~] and the defendant is granted community  
12 supervision, the court may order the defendant confined in the  
13 institutional division of the Texas Department of Criminal Justice  
14 for not less than 60 and not more than 120 days. At any time after  
15 the defendant has served 60 days in the custody of the institutional  
16 division, the sentencing judge, on his own motion or on motion of  
17 the defendant, may order the defendant released to community  
18 supervision. The institutional division shall release the  
19 defendant to community supervision after he has served 120 days.

20 SECTION 2. (a) This Act takes effect September 1, 2003.

21 (b) The change in law made by this Act applies only to an  
22 offense committed on or after September 1, 2003. An offense  
23 committed before September 1, 2003, is covered by the law in effect  
24 when the offense was committed, and the former law is continued in

1 effect for that purpose. For the purposes of this subsection, an  
2 offense was committed before September 1, 2003, if any element of  
3 the offense occurred before that date.