

By: Allen, Stick, Hodge, Uresti, Edwards,  
et al.

H.B. No. 2668

A BILL TO BE ENTITLED

AN ACT

relating to the punishment and sentencing of defendants convicted  
of certain offenses under the Texas Controlled Substances Act.

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

SECTION 1. Sections 15(a) and (c), Article 42.12, Code of  
Criminal Procedure, are amended to read as follows:

(a) (1) On conviction of a state jail felony under Section  
481.115(b), 481.1151(b)(1), 481.116(b), 481.121(b)(3), or  
481.129(g)(1), Health and Safety Code, that is punished under  
Section 12.35(a), Penal Code, the judge shall suspend the  
imposition of the sentence and place the defendant on community  
supervision, unless the defendant has previously been convicted of  
a felony, in which event the judge may suspend the imposition of the  
sentence and place the defendant on community supervision or may  
order the sentence to be executed. The provisions of this  
subdivision requiring the judge to suspend the imposition of the  
sentence and place the defendant on community supervision do not  
apply to a defendant who under Section 481.1151(b)(1), Health and  
Safety Code, possessed more than five abuse units of the controlled  
substance or under Section 481.121(b)(3), Health and Safety Code,  
possessed more than one pound of marihuana.

(2) On conviction of a state jail felony punished  
under Section 12.35(a), Penal Code, other than a state jail felony  
listed in Subdivision (1), the judge may suspend the imposition of

1 the sentence and place the defendant on community supervision or  
2 may order the sentence to be executed.

3 (3) The judge may suspend in whole or in part the  
4 imposition of any fine imposed on conviction.

5 (c)(1) A judge may impose any condition of community  
6 supervision on a defendant that the judge could impose on a  
7 defendant placed on supervision for an offense other than a state  
8 jail felony, except that the judge may impose on the defendant a  
9 condition that the defendant submit to a period of confinement in a  
10 county jail under Section 5 or 12 of this article only if the term  
11 does not exceed 90 days.

12 (2) Except as otherwise provided by Subdivision (3), a  
13 judge who places a defendant on community supervision for an  
14 offense listed in Subsection (a)(1) shall require the defendant to  
15 comply with substance abuse treatment conditions that are  
16 consistent with standards adopted by the Texas Board of Criminal  
17 Justice under Section 509.015, Government Code.

18 (3) A judge is not required to impose conditions  
19 described by Subdivision (2) if the judge makes an affirmative  
20 finding that the defendant does not require imposition of the  
21 conditions to successfully complete the period of community  
22 supervision.

23 SECTION 2. Chapter 509, Government Code, is amended by  
24 adding Section 509.015 to read as follows:

25 Sec. 509.015. TREATMENT STANDARDS FOR CERTAIN STATE JAIL  
26 FELONIES. The division shall propose and the board shall adopt best  
27 practices standards for substance abuse treatment conditions

1 imposed under Section 15(c)(2), Article 42.12, Code of Criminal  
2 Procedure.

3         SECTION 3. Not later than October 1, 2003, the Drug Demand  
4 Reduction Advisory Committee created under Chapter 461, Health and  
5 Safety Code, shall inform in writing each court having jurisdiction  
6 over offenses listed in Section 15(a)(1), Article 42.12, Code of  
7 Criminal Procedure, as added by this Act, and the office of each  
8 attorney representing the state charged with prosecuting those  
9 offenses of:

10                 (1) the changes in law made by this Act; and

11                 (2) the availability of grants and other sources of  
12 revenue to assist in providing treatment as required by conditions  
13 of community supervision imposed under Section 15(c)(2), Article  
14 42.12, Code of Criminal Procedure, as added by this Act.

15         SECTION 4. This Act takes effect September 1, 2003, and  
16 applies to any case in which a judgment has not been entered before  
17 the effective date of this Act. A case in which a judgment has been  
18 entered before the effective date of this Act is covered by the law  
19 in effect when the judgment is entered, and the former law is  
20 continued in effect for that purpose.