

By: Williams

S.B. No. 836

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the eligibility for community supervision for a person  
3 who has been previously committed to the Texas Youth Commission.

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

5 SECTION 1. Section 4(e), Article 42.12, Code of Criminal  
6 Procedure, is amended to read as follows:

7 (e) A defendant is eligible for community supervision under  
8 this section only if before the trial begins the defendant files a  
9 written sworn motion with the judge that the defendant has not  
10 previously been convicted of a felony in this or any other state,  
11 and the jury enters in the verdict a finding that the information in  
12 the defendant's motion is true. For purposes of this subsection, an  
13 adjudication by a juvenile court under Section 54.03, Family Code,  
14 that a child engaged in delinquent conduct constituting a felony  
15 offense for which the child was committed to the Texas Youth  
16 Commission under Section 54.04(d)(2), (d)(3), or (m), Family Code,  
17 or Section 54.05(f), Family Code, is a conviction.

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

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

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