

By: Whitmire

S.B. No. 920

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment of certain individuals convicted of  
3 third degree felonies or state jail felonies.

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

5 SECTION 1. Section 12.44, Penal Code, is amended to read as  
6 follows:

7 Sec. 12.44. REDUCTION OF [~~STATE JAIL~~] FELONY PUNISHMENT TO  
8 MISDEMEANOR PUNISHMENT. (a) A court may punish a defendant who is  
9 convicted of a felony of the third degree or a state jail felony by  
10 imposing the confinement permissible as punishment for a Class A  
11 misdemeanor if, after considering the gravity and circumstances of  
12 the felony committed and the history, character, and rehabilitative  
13 needs of the defendant, the court finds that such punishment would  
14 best serve the ends of justice.

15 (b) When a court is authorized to impose punishment for a  
16 lesser category of offense as provided in Subsection (a), the court  
17 may authorize the prosecuting attorney to prosecute initially for  
18 the lesser category of offense.

19 SECTION 2. (a) The change in law made by this Act applies  
20 only to an offense committed on or after the effective date of this  
21 Act. For purposes of this section, an offense is committed before  
22 the effective date of this Act if any element of the offense occurs  
23 before the effective date.

24 (b) An offense committed before the effective date of this

1 Act is covered by the law in effect when the offense was committed,  
2 and the former law is continued in effect for that purpose.

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