

BILL ANALYSIS

H.B. 83
By: Riddle
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law limits a persons eligibility to receive community supervision (probation) from a jury to those who have not previously been convicted of a felony. However, the law does not explicitly limit probation eligibility for someone who has previously been committed to the Texas Youth Commission for a juvenile adjudication, even if that commitment resulted from the commission of a violent, aggravated, or sexual offense. As proposed, HB 83 would amend Section 4(e) of Article 42.12, Code of Criminal Procedure, to clarify that a prior TYC commitment for certain felony offenses makes a defendant ineligible for probation from a jury.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 83 amends Subsection (e), Section 4, Article 42.12, Code of Criminal Procedure, to include an adjudication by a juvenile court under Section 54.03, Family Code, that a child engaged in delinquent conduct constituting a felony offense for which the child is committed to the Texas Youth Commission under Section 54.04 (d)(2), (d)(3) or (m), Family Code, or Section 54.05 (f), Family Code. Application of this act is prospective.

EFFECTIVE DATE

September 1, 2005.