

BILL ANALYSIS

H.B. 550
By: Phillips
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Presentence investigation reports are often used by judges to assist them in determining appropriate punishments for defendants. The reports describe the circumstances of the offense with which the defendant is charged, the amount of restitution necessary to adequately compensate a victim of the offense, the criminal and social history of the defendant and other information related to the defendant or the offense requested by the judge. The reports must also contain a proposed client supervision plan describing programs and sanctions that the community supervision and corrections department would provide the defendant if the judge suspended the imposition of the sentence or granted deferred adjudication.

However, there are circumstances in felony cases under which a judge is not required to order a presentence report, unless requested by the defendant. These cases include those in which the defendant opts to have the jury assess punishment, the defendant is convicted of or enters a plea of guilty or nolo contendere to capital murder, the only available punishment is imprisonment, or a plea bargain agreement exists, under which the defendant agrees to a punishment of imprisonment.

H.B. 550 would provide a judge discretion in granting a request for a presentence report by a defendant in a felony case under the circumstances listed above.

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

SECTION 1. Amends Section 9(g), Article 42.12, Code of Criminal Procedure to remove the requirement that a judge order a presentence report, upon the request of a defendant, under the circumstances enumerated in the subsection.

SECTION 2. Establishes effective date of the Act as September 1, 2005.

EFFECTIVE DATE

September 1, 2005.