

## **BILL ANALYSIS**

C.S.H.B. 1759  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, a jury that imposes confinement as punishment for an offense may recommend to the judge that the judge suspend the imposition of the sentence and place the defendant on community supervision. At that time a judge shall suspend the imposition of the sentence and place the defendant on community supervision if the jury makes that recommendation in the verdict. However, under current law, the jury is not permitted to recommend community supervision for any defendant who is "sentenced to serve a term of confinement under Section 12.35," the state jail felony statute, under the provisions of Article 42.12, Section 4(d)(2).

C.S.H.B. 1759 permits a jury to recommend community supervision for a defendant who has been convicted of a state jail felony, unless the imposition of the sentence occurs automatically and community supervision is ordered under Section 15(d), Article 42.12.

### **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**

C.S.H.B. 1759 amends the Code of Criminal Procedure to permit a jury to recommend community supervision for a defendant who has been convicted of a state jail felony, unless the imposition of the sentence occurs automatically and community supervision is ordered under Section 15(d), Article 42.12. Furthermore, the bill increases the time period from 90 to 180 days confinement in a county jail that a judge may require of a defendant convicted of a state jail felony who has been placed on community supervision.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute differs from the original in that the original bill permitted a jury to recommend community supervision for a defendant who has been convicted of a state jail felony involving the use or exhibition of a deadly weapon. Whereas, the substitute permits a jury to recommend community supervision for a defendant who has been convicted of a state jail felony. Furthermore, the substitute increases the time period from 90 to 180 days confinement in a county jail that a judge may require of a defendant convicted of a state jail felony who has been placed on community supervision