

By: Riddle

H.B. No. 83

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the eligibility of certain criminal defendants for
3 release on community supervision.

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, a
13 conviction includes an adjudication by a juvenile court under
14 Section 54.03, Family Code, that a child engaged in delinquent
15 conduct constituting a felony, if as a result of the adjudication
16 the child is committed to the Texas Youth Commission under Section
17 54.04(d)(2), (d)(3), or (m) or Section 54.05(f), Family Code.

18 SECTION 2. The change in law made by this Act applies only
19 to an offense committed on or after September 1, 2005. An offense
20 committed before September 1, 2005, is covered by the law in effect
21 when the offense was committed, and the former law is continued in
22 effect for that purpose. For the purposes of this section, an
23 offense was committed before September 1, 2005, if any element of
24 the offense was committed before that date.

1 SECTION 3. This Act takes effect September 1, 2005.