

AN ACT

relating to the conditions of community supervision for certain persons convicted of an intoxication offense.

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

SECTION 1. Section 13(a), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(a) A judge granting community supervision to a defendant convicted of an offense under Chapter 49, Penal Code, shall require as a condition of community supervision that the defendant submit to:

(1) not less than 72 hours [~~three days~~] of continuous confinement in county jail if the defendant was punished under Section 49.09(a); not less than five days of confinement in county jail if the defendant was punished under Section 49.09(a) and was subject to Section 49.09(h); not less than 10 days of confinement in county jail if the defendant was punished under Section 49.09(b) or (c); or not less than 30 days of confinement in county jail if the defendant was convicted under Section 49.07; and

(2) an evaluation by a supervision officer or by a person, program, or facility approved by the Texas Commission on Alcohol and Drug Abuse for the purpose of having the facility prescribe and carry out a course of conduct necessary for the rehabilitation of the defendant's drug or alcohol dependence condition.

1 SECTION 2. The changes in law made by this Act apply only to
2 the terms of community supervision for an offense under Chapter 49,
3 Penal Code, that is committed on or after September 1, 2005. The
4 terms of community supervision for an offense under Chapter 49,
5 Penal Code, that was committed before September 1, 2005, are
6 covered by the law in effect when the offense was committed, and the
7 former law is continued in effect for that purpose. For purposes of
8 this subsection, an offense was committed before September 1, 2005,
9 if any element of the offense was committed before that date.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 157 was passed by the House on April 6, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 157 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor