

By: Cook of Navarro, Pena, Paxton, et al.

H.B. No. 157

A BILL TO BE ENTITLED

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.