

1-1 By: Cook of Navarro, et al. H.B. No. 157
1-2 (Senate Sponsor - Averitt)
1-3 (In the Senate - Received from the House April 7, 2005;
1-4 April 11, 2005, read first time and referred to Committee on
1-5 Criminal Justice; May 20, 2005, reported favorably by the
1-6 following vote: Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the conditions of community supervision for certain
1-10 persons convicted of an intoxication offense.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 13(a), Article 42.12, Code of Criminal
1-13 Procedure, is amended to read as follows:

1-14 (a) A judge granting community supervision to a defendant
1-15 convicted of an offense under Chapter 49, Penal Code, shall require
1-16 as a condition of community supervision that the defendant submit
1-17 to:

1-18 (1) not less than 72 hours [~~three days~~] of continuous
1-19 confinement in county jail if the defendant was punished under
1-20 Section 49.09(a); not less than five days of confinement in county
1-21 jail if the defendant was punished under Section 49.09(a) and was
1-22 subject to Section 49.09(h); not less than 10 days of confinement in
1-23 county jail if the defendant was punished under Section 49.09(b) or
1-24 (c); or not less than 30 days of confinement in county jail if the
1-25 defendant was convicted under Section 49.07; and

1-26 (2) an evaluation by a supervision officer or by a
1-27 person, program, or facility approved by the Texas Commission on
1-28 Alcohol and Drug Abuse for the purpose of having the facility
1-29 prescribe and carry out a course of conduct necessary for the
1-30 rehabilitation of the defendant's drug or alcohol dependence
1-31 condition.

1-32 SECTION 2. The changes in law made by this Act apply only to
1-33 the terms of community supervision for an offense under Chapter 49,
1-34 Penal Code, that is committed on or after September 1, 2005. The
1-35 terms of community supervision for an offense under Chapter 49,
1-36 Penal Code, that was committed before September 1, 2005, are
1-37 covered by the law in effect when the offense was committed, and the
1-38 former law is continued in effect for that purpose. For purposes of
1-39 this subsection, an offense was committed before September 1, 2005,
1-40 if any element of the offense was committed before that date.

1-41 SECTION 3. This Act takes effect September 1, 2005.

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