

By: Phillips

H.B. No. 550

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the preparation of and procedures related to a
3 presentence report in a felony case.

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

5 SECTION 1. Sections 9(d) and (g), Article 42.12, Code of
6 Criminal Procedure, are amended to read as follows:

7 (d) Unless waived by the defendant, at least 48 hours before
8 ~~[Before]~~ sentencing a defendant, the judge shall permit the
9 defendant or his counsel to read the presentence report.

10 (g) A ~~[Unless requested by the defendant, a]~~ judge is not
11 required to direct an officer to prepare a presentence report in a
12 felony case under this section if:

13 (1) punishment is to be assessed by a jury;

14 (2) the defendant is convicted of or enters a plea of
15 guilty or nolo contendere to capital murder;

16 (3) the only available punishment is imprisonment; or

17 (4) the judge is informed that a plea bargain
18 agreement exists, under which the defendant agrees to a punishment
19 of imprisonment, and the judge intends to follow the agreement.

20 SECTION 2. This Act takes effect September 1, 2005.