

AN ACT

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

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

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

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

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

- (1) punishment is to be assessed by a jury;
- (2) the defendant is convicted of or enters a plea of guilty or nolo contendere to capital murder;
- (3) the only available punishment is imprisonment; or
- (4) the judge is informed that a plea bargain agreement exists, under which the defendant agrees to a punishment of imprisonment, and the judge intends to follow the agreement.

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 550 was passed by the House on April 12, 2005, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 550 was passed by the Senate on May 20, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor