

1-1 By: Phillips (Senate Sponsor - Seliger) H.B. No. 550
1-2 (In the Senate - Received from the House April 13, 2005;
1-3 April 14, 2005, read first time and referred to Committee on
1-4 Criminal Justice; May 18, 2005, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; May 18, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the preparation of and procedures related to a
1-9 presentence report in a felony case.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 9(d) and (g), Article 42.12, Code of
1-12 Criminal Procedure, are amended to read as follows:

1-13 (d) Unless waived by the defendant, at least 48 hours before
1-14 ~~[Before]~~ sentencing a defendant, the judge shall permit the
1-15 defendant or his counsel to read the presentence report.

1-16 (g) A ~~[Unless requested by the defendant, a]~~ judge is not
1-17 required to direct an officer to prepare a presentence report in a
1-18 felony case under this section if:

1-19 (1) punishment is to be assessed by a jury;

1-20 (2) the defendant is convicted of or enters a plea of
1-21 guilty or nolo contendere to capital murder;

1-22 (3) the only available punishment is imprisonment; or

1-23 (4) the judge is informed that a plea bargain
1-24 agreement exists, under which the defendant agrees to a punishment
1-25 of imprisonment, and the judge intends to follow the agreement.

1-26 SECTION 2. This Act takes effect September 1, 2005.

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