

By: Haggerty

H.B. No. 1886

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the imposition of community supervision on a defendant
3 convicted of a state jail felony.

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

5 SECTION 1. Section 3(e), Article 42.12, Code of Criminal
6 Procedure, is amended to read as follows:

7 (e) A defendant is not eligible for community supervision
8 under this section if the defendant[+]

9 [~~(1)~~] is sentenced to a term of imprisonment that
10 exceeds 10 years[~~, or~~

11 [~~(2) is sentenced to serve a term of confinement under~~
12 ~~Section 12.35, Penal Code~~].

13 SECTION 2. Section 4(d), Article 42.12, Code of Criminal
14 Procedure, is amended to read as follows:

15 (d) A defendant is not eligible for community supervision
16 under this section if the defendant:

17 (1) is sentenced to a term of imprisonment that
18 exceeds 10 years;

19 (2) [~~is sentenced to serve a term of confinement under~~
20 ~~Section 12.35, Penal Code~~;

21 [~~(3)~~] does not file a sworn motion under Subsection
22 (e) of this section or for whom the jury does not enter in the
23 verdict a finding that the information contained in the motion is
24 true; or

1 (3) [~~(4)~~] is adjudged guilty of an offense for which
2 punishment is increased under Section 481.134(c), (d), (e), or (f),
3 Health and Safety Code, if it is shown that the defendant has been
4 previously convicted of an offense for which punishment was
5 increased under any one of those subsections.

6 SECTION 3. The change in law made by this Act applies only
7 to an offense committed on or after the effective date of this Act.
8 An offense committed before the effective date of this Act is
9 governed by the law in effect when the offense was committed, and
10 the former law is continued in effect for that purpose. For
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense was
13 committed before that date.

14 SECTION 4. This Act takes effect September 1, 2005.