

By: Straus

H.B. No. 3267

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the transfer of certain convicted felons from county
3 jail to the custody of the Texas Department of Criminal Justice.

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

5 SECTION 1. Section 4, Article 42.09, Code of Criminal
6 Procedure, is amended to read as follows:

7 Sec. 4. If a defendant is convicted of a felony, is eligible
8 for release on bail pending appeal under Article 44.04(b), and
9 gives notice of appeal, he shall be transferred to the
10 Institutional Division of the Texas Department of Criminal Justice
11 on a commitment pending a mandate from the Court of Appeals or the
12 Court of Criminal Appeals [~~upon request in open court or upon~~
13 ~~written request to the sentencing court. Upon a valid transfer to~~
14 ~~the institutional division under this section, the defendant may~~
15 ~~not thereafter be released on bail pending his appeal].~~

16 SECTION 2. This Act applies to a defendant on whom a
17 sentence of a term of imprisonment in the institutional division of
18 the Texas Department of Criminal Justice is pronounced on or after
19 the effective date of this Act.

20 SECTION 3. This Act takes effect September 1, 2005.