

By: Whitmire

S.B. No. 904

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the eligibility for jury-recommended community
3 supervision for certain defendants convicted of state jail
4 felonies.

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

6 SECTION 1. Section 4(d), Article 42.12, Code of Criminal
7 Procedure, is amended to read as follows:

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

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

12 (2) is sentenced to serve a term of confinement in a
13 state jail facility under Section 12.35, Penal Code;

14 (3) does not file a sworn motion under Subsection (e)
15 of this section or for whom the jury does not enter in the verdict a
16 finding that the information contained in the motion is true; or

17 (4) is adjudged guilty of an offense for which
18 punishment is increased under Section 481.134(c), (d), (e), or (f),
19 Health and Safety Code, if it is shown that the defendant has been
20 previously convicted of an offense for which punishment was
21 increased under any one of those subsections.

22 SECTION 2. The change in law made by this Act applies to a
23 defendant who on or after the effective date of this Act files the
24 motion required by Section 4(e), Article 42.12, Code of Criminal

1 Procedure, for jury-recommended community supervision, regardless
2 of whether the offense with which the defendant is charged was
3 committed before, on, or after the effective date of this Act.

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