

By: Whitmire

S.B. No. 1260

A BILL TO BE ENTITLED

AN ACT

relating to the execution of a criminal defendant's sentence following a violation of a condition of community supervision.

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

SECTION 1. Section 15(f)(1), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(f)(1) If a defendant violates a condition of community supervision imposed on the defendant under this article and ~~[after a hearing under Section 21 of this article]~~ the judge revokes the defendant's community supervision after a hearing under Section 21 and subject to Section 21A, the judge shall dispose of the case in the manner provided by Section 23 ~~[of this article]~~.

SECTION 2. Article 42.12, Code of Criminal Procedure, is amended by adding Section 21A to read as follows:

Sec. 21A. VIOLATION OF COMMUNITY SUPERVISION: LIMITATION ON EXECUTION OF SENTENCE. If after a hearing under Section 21 a judge determines that the violation giving rise to the hearing is not an act punishable as a felony, the judge:

(1) shall modify or continue community supervision under Section 22; and

(2) may not revoke the suspension of the imposition of sentence and order that the sentence be executed.

SECTION 3. Section 21(c), Article 42.12, Code of Criminal Procedure, is repealed.

1           SECTION 4. The change in law made by this Act applies only  
2 to a hearing concerning a violation of a condition of community  
3 supervision that is held on or after September 1, 2005. A hearing  
4 that is held before September 1, 2005, is covered by the law in  
5 effect at the time the hearing is held, and that law is continued in  
6 effect for that purpose.

7           SECTION 5. This Act takes effect September 1, 2005.