

By: Whitmire

S.B. No. 1262

A BILL TO BE ENTITLED

AN ACT

relating to credit for time served on community supervision.

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

SECTION 1. Section 23(b), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(b)(1) Except as provided by Subdivision (2), no ~~no~~ part of the time that the defendant is on community supervision shall be considered as any part of the time that he shall be sentenced to serve.

(2) The judge may grant a defendant credit on the sentence imposed for all or part of the time the defendant was on community supervision if the judge revokes community supervision solely on the basis of an administrative violation of conditions of release.

(3) The right of the defendant to appeal for a review of the conviction and punishment, as provided by law, shall be accorded the defendant at the time he is placed on community supervision. When he is notified that his community supervision is revoked for violation of the conditions of community supervision and he is called on to serve a sentence in a jail or in the institutional division of the Texas Department of Criminal Justice, he may appeal the revocation.

SECTION 2. The change in law made by this Act applies to a revocation of community supervision that occurs on or after the

1 effective date of this Act, regardless of whether the defendant was
2 placed on community supervision before, on, or after the effective
3 date of this Act.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2005.