

Amend **HB 431** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.039 to read as follows:

Art. 42.039. CONFINEMENT AWAITING TRANSFER TO CERTAIN FACILITIES. A judge ordering the placement of a defendant in a community corrections facility or substance abuse felony punishment facility may order the defendant confined in the county jail for a period not to exceed 140 days while awaiting transfer to the facility.

SECTION _____. Sections 12(a) and (b), Article 42.12, Code of Criminal Procedure, are amended to read as follows:

(a) If a judge having jurisdiction of a misdemeanor case requires as a condition of community supervision that the defendant submit to a period of confinement in a county jail, the period of confinement may not exceed 30 days. If a judge having jurisdiction of a felony case requires as a condition of community supervision that the defendant submit to a period of confinement in a county jail, the period of confinement may not exceed 180 days. The period of confinement in a county jail by a defendant awaiting transfer to a community corrections facility or a substance abuse felony punishment facility does not count toward the limits imposed by this subsection.

(b) A judge that requires as a condition of community supervision that the defendant serve a term in a community corrections facility under Section 18 [~~of this article~~] may not impose a term of confinement under this section that, when added to the term imposed under Section 18, exceeds 24 months. The period of confinement in a county jail by a defendant awaiting transfer to a community corrections facility does not count toward the limit imposed by this subsection.

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

(b) No part of the time that the defendant is on community supervision may [~~shall~~] be considered as any part of the time that the defendant is [~~he shall be~~] sentenced to serve, except that any

time spent by the defendant in a county jail awaiting transfer to a community corrections facility or a substance abuse felony punishment facility applies toward completion of the sentence. 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 _____. The changes in law made by this Act in adding Article 42.039, Code of Criminal Procedure, and amending Sections 12(a) and (b) and 23(b), Article 42.12, Code of Criminal Procedure, apply only to a defendant convicted of or placed on community supervision for an offense committed on or after the effective date of this Act. A defendant convicted of or placed on community supervision for an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.