

BILL ANALYSIS

C.S.H.B. 187
By: Hochberg
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas has a reputation for being tough on crime, but it is still possible to be convicted of murder in this state and not serve any prison time. Juries have the power to sentence a person convicted of murder to community supervision, without a requirement to serve any time, and judges can, and do, issue deferred adjudications in murder cases. In a system that is presumed to be based on progressive sanctions, letting a convicted murderer go free without serving time seems to be out of line.

C.S.H.B. 187 would prohibit juries from sentencing a convicted murderer to community supervision, and would prohibit judges from giving deferred adjudication for defendants charged with murder. Judges are already prohibited from sentencing convicted murderers to community supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Committee Substitute to House Bill 187 amends the Code of Criminal Procedure to provide that a defendant is not eligible for jury recommended community supervision if the defendant is adjudged guilty of murder under Section 19.02 of the Penal Code. The bill also provides that a judge may not grant deferred adjudication community supervision if the defendant is charged with murder under Section 19.02 of the Penal Code. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute is a Texas Legislative Council draft of the introduced version of the bill.