

BILL ANALYSIS

H.B. 926
By: Haggerty
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, if a judge grants a defendant deferred adjudication for certain state jail drug possession offenses, and the defendant violates a condition of supervision, the judge can revoke supervision but must then place the defendant again on probation by suspending the sentence.

HB 926 permits a judge who revokes deferred adjudication probation for certain state jail felony offenses to either suspend the imposition of the sentence and place the defendant on community supervision or sentence the defendant to state jail.

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

HB 926 amends the Code of Criminal Procedure to authorize judges, for certain state jail felony offenses, to suspend the imposition of the sentence and place the defendant on community supervision *or order the sentence to be executed* if the conviction resulted from an adjudication of guilt of a defendant previously placed on deferred adjudication community supervision for the offense.

This bill provides that the change in law made by this Act applies only to a defendant placed on deferred adjudication community supervision for an offense committed on or after September 1, 2007. A defendant placed on deferred adjudication for an offense committed before September 1, 2007, including if any element of the offense was committed before that date, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2007.