

## **BILL ANALYSIS**

H.B. 1610  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, certain drug offenders who are convicted of a state jail felony for the first time must receive community supervision. The intent of this provision, enacted by House Bill 2688 of the 78th Session, was to make sure that first time drug offenders receive treatment rather than incarceration or direct sentencing to the state jail system. Unfortunately, there are long waiting lists for treatment in most counties and many of these offenders are committing new state jail felony drug offenses before ever receiving treatment.

The current provision does not require that a certain defendant who has previously been convicted of a state jail felony receive community supervision. However, there are times when a defendant receives a reduction of punishment to a Class A misdemeanor for a state jail felony conviction. Since the current provision does not take this reduction into consider, House Bill 1610 expands community supervision to eligible state jail felony drug offenders with a prior state jail felony conviction that was punished as a misdemeanor.

### **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**

House Bill 1610 amends the Code of Criminal Procedure by providing that a judge is required to place certain drug offenders on community supervision whose punishment for a previous state jail felony conviction was reduced to the confinement permissible as punishment of a Class A misdemeanor. Makes application of this Act prospective.

### **EFFECTIVE DATE**

September 1, 2007.