

BILL ANALYSIS

H.B. 2115
By: Frost
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently a judge may, after receiving a plea of guilty or a plea of nolo contendere, hearing the evidence and finding that it substantiates the defendant's guilt, defer further proceedings without entering an adjudication of guilt, and place the defendant on community supervision. This process, known as deferred adjudication, allows judges to be more lenient when the circumstances warrant such consideration.

Texas law does not allow a person who commits the offence of Driving While Intoxicated to receive deferred adjudication for that crime. However, the statute does not preclude those who commit the offences of Driving While Intoxicated With a Child Passenger or Assembling or Operating an Amusement Ride While Intoxicated from receiving deferred adjudication for their crime.

H.B. 2115 corrects this mistake by including Driving While Intoxicated With a Child Passenger and Assembling or Operating an Amusement Ride While Intoxicated among the offences for which a judge may not grant deferred adjudication.

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 2115 amends the Code of Criminal Procedure by providing that a judge may not grant deferred adjudication if the defendant is charged with an offense under Sections 49.04 through Sections 49.08 of the Penal Code; and therefore, adds Section 49.045 (Driving While Intoxicated With Child Passenger) and Section 49.065 (Assembling or Operating an Amusement Ride While Intoxicated), Penal Code, to the list of offenses for which a judge may not grant deferred adjudication.

Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.