

## **BILL ANALYSIS**

H.B. 2719  
By: Vaught  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Section 22.04, Penal Code, states that a person who knowing or intentionally causes serious bodily injury or serious mental deficiency, impairment, or injury to a child commits a first degree felony offense. These are the most serious cases of child abuse, some involving serious permanent injury to the child such as brain damage or disfigurement. Under current law, first degree injury to a child is not excepted under the Limitation on Judge Ordered Community Supervision statute, and, as a result, these offenders are serving very little of their sentence.

This bill adds First Degree Injury to a Child to the list of offenses that a judge may not consider in giving the defendant community supervision, so that these violent offenders will be required to serve more of their sentence.

### **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 2719 amends Section 3g(a), Article 42.12, Code of Criminal Procedure, to provide for limitations on judge ordered community supervision if the offense is punishable as a first degree felony and the victim of the offense is a child.

The bill amends Section 508.145(d), Government Code, to provide that a person convicted of first degree injury to a child is ineligible for parole until the inmate's actual calendar time served equals one-half of the sentence or 30 calendar years, whichever is less, without consideration of good conduct time, but in no event is the inmate eligible for release on parole in less than two calendar years.

Makes application of this Act prospective.

### **EFFECTIVE DATE**

September 1, 2007.