

BILL ANALYSIS

C.S.S.B. 877
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Criminal Jurisprudence
Committee Report (Substituted)

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

C.S.S.B. 877 amends Section 3g(a), Article 42.12, Code of Criminal Procedure, to provide that judge ordered community supervision do not apply to a defendant adjudged guilty of an offense under Section 22.04(a)(1), Penal Code, 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, and adds inmates serving a sentence for an offense described by Section 3g(a)(1)(I), Article 42.12, Code of Criminal Procedure, are not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, 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.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute provides that judge ordered community supervision do not apply to a defendant adjudged guilty of an offense under Section 22.04(a)(1), Penal Code, if the offense is punishable as a first degree felony and the victim of the offense is a child. The original referenced Section 22.04 of the Penal Code.