

By: Haggerty

H.B. No. 926

A BILL TO BE ENTITLED

1 AN ACT

2 relating to judicial discretion to order a sentence executed for a
3 defendant placed on deferred adjudication community supervision
4 for certain state jail felonies.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 15(a)(1), Article 42.12, Code of
7 Criminal Procedure, is amended to read as follows:

8 (1) On conviction of a state jail felony under Section
9 481.115(b), 481.1151(b)(1), 481.116(b), 481.121(b)(3), or
10 481.129(g)(1), Health and Safety Code, that is punished under
11 Section 12.35(a), Penal Code, the judge shall suspend the
12 imposition of the sentence and place the defendant on community
13 supervision, unless the defendant has previously been convicted of
14 a felony or unless the conviction resulted from an adjudication of
15 the guilt of a defendant previously placed on deferred adjudication
16 community supervision for the offense, in which event the judge may
17 suspend the imposition of the sentence and place the defendant on
18 community supervision or may order the sentence to be executed. The
19 provisions of this subdivision requiring the judge to suspend the
20 imposition of the sentence and place the defendant on community
21 supervision do not apply to a defendant who under Section
22 481.1151(b)(1), Health and Safety Code, possessed more than five
23 abuse units of the controlled substance or under Section
24 481.121(b)(3), Health and Safety Code, possessed more than one

1 pound of marihuana.

2 SECTION 2. The change in law made by this Act applies only
3 to a defendant placed on deferred adjudication community
4 supervision for an offense committed on or after the effective date
5 of this Act. A defendant placed on deferred adjudication for an
6 offense committed before the effective date of this Act is covered
7 by the law in effect when the offense was committed, and the former
8 law is continued in effect for that purpose. For purposes of this
9 section, an offense was committed before the effective date of this
10 Act if any element of the offense was committed before that date.

11 SECTION 3. This Act takes effect September 1, 2007.