

By: Haggerty

H.B. No. 927

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a court's jurisdiction to suspend the sentence imposed  
3 for a felony and place the defendant on community supervision.

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

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

7 (a) For the purposes of this section, the jurisdiction of a  
8 court in which a sentence requiring imprisonment in the  
9 institutional division of the Texas Department of Criminal Justice  
10 is imposed by the judge of the court shall continue for two years  
11 [~~180 days~~] from the date the execution of the sentence actually  
12 begins. Before the expiration of two years [~~180 days~~] from the date  
13 the execution of the sentence actually begins, the judge of the  
14 court that imposed such sentence may on his own motion, on the  
15 motion of the attorney representing the state, or on the written  
16 motion of the defendant, suspend further execution of the sentence  
17 and place the defendant on community supervision under the terms  
18 and conditions of this article, if in the opinion of the judge the  
19 defendant would not benefit from further imprisonment and:

20 (1) the defendant is otherwise eligible for community  
21 supervision under this article; and

22 (2) the defendant had never before been incarcerated  
23 in a penitentiary serving a sentence for a felony.

24 SECTION 2. The change in law made by this Act applies only

1 to a defendant over whom a court has jurisdiction according to the  
2 provisions of Section 6(a), Article 42.12, Code of Criminal  
3 Procedure, as amended by this Act, on or after the effective date of  
4 this Act. A defendant over whom a court's jurisdiction under  
5 Section 6(a), Article 42.12, Code of Criminal Procedure, expired  
6 before the effective date of this Act is covered by the law in  
7 effect when the jurisdiction expired, and the former law is  
8 continued in effect for that purpose.

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