

By: King of Parker

H.B. No. 1061

A BILL TO BE ENTITLED

AN ACT

1
2 relating to confinement in county jail of a defendant awaiting
3 transfer to a community corrections facility or a substance abuse
4 treatment facility.

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

6 SECTION 1. Section 12(a), Article 42.12, Code of Criminal
7 Procedure, is amended to read as follows:

8 (a) If a judge having jurisdiction of a misdemeanor case
9 requires as a condition of community supervision that the defendant
10 submit to a period of confinement in a county jail, the period of
11 confinement may not exceed 30 days, except that the period of
12 confinement in a county jail may not exceed 180 days for a defendant
13 awaiting transfer to a community corrections facility under Section
14 18 of this article. If a judge having jurisdiction of a felony case
15 requires as a condition of community supervision that the defendant
16 submit to a period of confinement in a county jail, the period of
17 confinement may not exceed 180 days.

18 SECTION 2. Section 23(b), Article 42.12, Code of Criminal
19 Procedure, is amended to read as follows:

20 (b) No part of the time that the defendant is on community
21 supervision may ~~shall~~ be considered as any part of the time that
22 the defendant is ~~he shall be~~ sentenced to serve, except that any
23 time spent by the defendant in a county jail awaiting transfer to a
24 community corrections facility or a substance abuse treatment

1 facility applies toward completion of the sentence. The right of
2 the defendant to appeal for a review of the conviction and
3 punishment, as provided by law, shall be accorded the defendant at
4 the time he is placed on community supervision. When he is notified
5 that his community supervision is revoked for violation of the
6 conditions of community supervision and he is called on to serve a
7 sentence in a jail or in the institutional division of the Texas
8 Department of Criminal Justice, he may appeal the revocation.

9 SECTION 3. The change in law made by this Act applies only
10 to a defendant convicted of or placed on community supervision for
11 an offense committed on or after the effective date of this Act. A
12 defendant convicted of or placed on community supervision for an
13 offense committed before the effective date of this Act is covered
14 by the law in effect when the offense was committed, and the former
15 law is continued in effect for that purpose. For purposes of this
16 section, an offense was committed before the effective date of this
17 Act if any element of the offense was committed before that date.

18 SECTION 4. This Act takes effect September 1, 2007.