

By: Turner

H.B. No. 1143

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain procedures following a violation of community
3 supervision.

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

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

7 (b) On violation of a condition of community supervision
8 imposed under Subsection (a) of this section, the defendant may be
9 arrested and detained as provided in Section 21 of this article.
10 The defendant is entitled to a hearing limited to the determination
11 by the court of whether it proceeds with an adjudication of guilt on
12 the original charge. An [~~No~~] appeal may not be taken from this
13 determination during the hearing at which the determination is
14 made. After an adjudication of guilt, all proceedings, including
15 assessment of punishment, pronouncement of sentence, granting of
16 community supervision, and defendant's appeal continue as if the
17 adjudication of guilt had not been deferred. A court assessing
18 punishment after an adjudication of guilt of a defendant charged
19 with a state jail felony may suspend the imposition of the sentence
20 and place the defendant on community supervision or may order the
21 sentence to be executed, regardless of whether the defendant has
22 previously been convicted of a felony.

23 SECTION 2. This Act takes effect September 1, 2007.