

By: Haggerty

H.B. No. 1240

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain defendants for jury-recommended community supervision.

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

SECTION 1. Section 4(d), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(d) A defendant is not eligible for community supervision under this section if the defendant:

(1) is sentenced to a term of imprisonment that exceeds 10 years;

(2) is convicted of a state jail felony for which suspension of the imposition of the sentence occurs automatically under Section 15(a); or

~~(3) [does not file a sworn motion under Subsection (e) of this section or for whom the jury does not enter in the verdict a finding that the information contained in the motion is true, or~~

~~[(4)]~~ is adjudged guilty of an offense for which punishment is increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any one of those subsections.

SECTION 2. Section 4(e), Article 42.12, Code of Criminal Procedure, is repealed.

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