

By: Haggerty

H.B. No. 1515

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the eligibility of persons convicted of a state jail
3 felony to participate in the state boot camp program.

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

5 SECTION 1. Sections 8(a) and (b), Article 42.12, Code of
6 Criminal Procedure, are 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 or confinement in
9 the [~~institutional division of the~~] Texas Department of Criminal
10 Justice is imposed for conviction of a felony shall continue for 180
11 days from the date on which the convicted person is received into
12 custody by the department [~~institutional division~~]. After the
13 expiration of 75 days but prior to the expiration of 180 days from
14 the date on which the convicted person is received into custody by
15 the department [~~institutional division~~], the judge of the court
16 that imposed the sentence may suspend further execution of the
17 sentence imposed and place the person on community supervision
18 under the terms and conditions of this article, if in the opinion of
19 the judge the person would not benefit from further imprisonment.
20 The court shall clearly indicate in its order recommending the
21 placement of the person in the state boot camp program that the
22 court is not retaining jurisdiction over the person for the
23 purposes of Section 6 of this article. A court may recommend a
24 person for placement in the state boot camp program only if:

1 (1) the person is otherwise eligible for community
2 supervision under this article; and

3 (2) the person is 17 years of age or older but younger
4 than 26 years and is physically and mentally capable of
5 participating in a program that requires strenuous physical
6 activity [~~and~~

7 [~~(3) the person is not convicted of an offense~~
8 ~~punishable as a state jail felony]~~.

9 (b) On the 76th day after the day on which the convicted
10 person is received into custody by the department [~~institutional~~
11 ~~division~~], the department [~~institutional division~~] shall send the
12 convicting court the record of the person's progress, conduct, and
13 conformity to applicable department [~~institutional division~~]
14 rules.

15 SECTION 2. Section 15(d), Article 42.12, Code of Criminal
16 Procedure, is amended to read as follows:

17 (d) A judge may impose as a condition of community
18 supervision that a defendant submit at the beginning of the period
19 of community supervision to a term of confinement in a state jail
20 felony facility for a term of not less than 90 days or more than 180
21 days, or a term of not less than 90 days or more than one year if the
22 defendant is convicted of an offense punishable as a state jail
23 felony under Section 481.112, 481.1121, 481.113, or 481.120, Health
24 and Safety Code. A judge may not require a defendant to submit to
25 both the term of confinement authorized by this subsection and a
26 term of confinement under Section 5 or 12 of this article or
27 participation in the state boot camp program under Section 8 of this

1 article. For the purposes of this subsection, a defendant
2 previously has been convicted of a felony regardless of whether the
3 sentence for the previous conviction was actually imposed or was
4 probated and suspended.

5 SECTION 3. Section 499.052, Government Code, is amended to
6 read as follows:

7 Sec. 499.052. STATE BOOT CAMP PROGRAM. (a) The department
8 [~~institutional division~~] shall establish a program to confine
9 persons who are required to serve not more than 180 days in the
10 department [~~institutional division~~] as a condition of a sentence
11 imposed under Section 8, Article 42.12, Code of Criminal Procedure.
12 The department [~~institutional division~~] may limit the number of
13 persons participating in the program.

14 (b) A person participating in a program under this section
15 is not required to undergo the complete reception and diagnostic
16 process required of other inmates, but the department
17 [~~institutional division~~] may require the person to undergo those
18 diagnostic processes determined by the department [~~division~~] to be
19 necessary.

20 (c) The department [~~institutional division~~] shall require a
21 person participating in a program under this section to participate
22 in strenuous labor, and the department [~~division~~] shall conduct
23 programs to educate the person as to the conditions under which
24 inmates of [~~in~~] the department [~~division~~] live.

25 (d) The department [~~institutional division~~] shall adopt
26 rules of conduct for persons participating in the program under
27 this section. If the department [~~institutional division~~]

1 determines that a person is not complying with the rules or is
2 medically or psychologically unsuitable for the program, the
3 department [~~division~~] shall end the person's participation in the
4 program and request the sentencing court to reassume custody of the
5 person. If the court does not reassume custody and remove the
6 person from the department [~~institutional division~~] before the 12th
7 day after the date the department [~~division~~] notifies the court,
8 the department [~~division~~] shall transfer the person from the
9 program to any unit within the department [~~division~~] for the
10 duration of the person's sentence or until further order of the
11 court, provided the order is entered before the expiration of the
12 180 days from the date the execution of sentence actually begins.
13 If on the 181st day after a person begins participation in the
14 program the court has not suspended the imposition of the person's
15 sentence of confinement, the department [~~institutional division~~]
16 shall transfer the person from the program to any unit within the
17 department [~~division~~].

18 SECTION 4. The change in law made by this Act applies only
19 to a defendant convicted of an offense committed on or after the
20 effective date of this Act. A defendant convicted of an offense
21 committed before the effective date of this Act is covered by the
22 law in effect when the offense was committed, and the former law is
23 continued in effect for that purpose. For purposes of this section,
24 an offense was committed before the effective date of this Act if
25 any element of the offense was committed before that date.

26 SECTION 5. This Act takes effect September 1, 2007.