

AN ACT

relating to the requirement that a judge release on community supervision certain defendants convicted of certain state jail felonies.

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

SECTION 1. Section 15(a)(1), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(1) On conviction of a state jail felony under Section 481.115(b), 481.1151(b)(1), 481.116(b), 481.121(b)(3), or 481.129(g)(1), Health and Safety Code, that is punished under Section 12.35(a), Penal Code, the judge shall suspend the imposition of the sentence and place the defendant on community supervision, unless the defendant has previously been convicted of a felony, other than a felony punished under Section 12.44(a), Penal Code, or unless the conviction resulted from an adjudication of the guilt of a defendant previously placed on deferred adjudication community supervision for the offense, in which event the judge may suspend the imposition of the sentence and place the defendant on community supervision or may order the sentence to be executed. The provisions of this subdivision requiring the judge to suspend the imposition of the sentence and place the defendant on community supervision do not apply to a defendant who under Section 481.1151(b)(1), Health and Safety Code, possessed more than five abuse units of the controlled substance or under Section

1 481.121(b)(3), Health and Safety Code, possessed more than one
2 pound of marihuana.

3 SECTION 2. The change in law made by this Act applies only
4 to a defendant who is convicted of a state jail felony on or after
5 the effective date of this Act. A defendant convicted before the
6 effective date of this Act is covered by the law in effect on the
7 date of the conviction, and the former law is continued in effect
8 for that purpose.

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

H.B. No. 1610

President of the Senate

Speaker of the House

I certify that H.B. No. 1610 was passed by the House on April 17, 2007, by the following vote: Yeas 138, Nays 3, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1610 on May 26, 2007, by the following vote: Yeas 139, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1610 was passed by the Senate, with amendments, on May 17, 2007, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor